



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

TUESDAY, 18 DECEMBER 2018 AT 10.00 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060

Email: jane.didino@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors David Fuller (Chair), Ian Lyon (Vice Chair), Dave Ashmore, Tom Coles, Jason Fazackarley, George Fielding, Hannah Hockaday, Leo Madden, Gemma New, Scott Payter-Harris, Steve Pitt, Darren Sanders, Ben Swann, David Tompkins and Claire Udy.

The panel today consists of: Councillors Tom Coles, Leo Madden and Gemma New

The reserve member is Councillor Scott Payter-Harris

(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 Appointment of Chair.**
- 2 Declarations of Members' Interests.**
- 3 Licensing Act 2003 - Brewhouse & Kitchen, 51 Southsea Terrace, Southsea PO5 3AU (Pages 3 - 82)**

Purpose

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to Section 35 of the Licensing Act 2003.

The committee is asked to determine this matter.
- 4 Licensing Act 2003 - Review application - Oxygen, 3 Portsmouth Road,**

Portsmouth PO6 2SG (Pages 83 - 134)

Purpose.

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 (the Act) and in respect of this premises.

The committee is asked to determine this matter.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE

18th DECEMBER 2018

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for variation of a premises licence - Brewhouse And Kitchen, 51 Southsea Terrace, Southsea, Hants

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from other persons namely local residents. Further detail about the representations received is shown at paragraph 4 below.

2. THE APPLICATION AND PROPOSED VARIED OPERATING SCHEDULE

The variation application has been submitted on behalf of Brewhouse and Kitchen Limited and relates to premises known as Brewhouse and Kitchen situated at 51 Southsea Terrace, Southsea.

The variation relates to changes to the layout of the premises as detailed in part three of the redacted application attached as **appendix A**. This includes both internal and external alterations. It does not seek to change any of the existing licensable activities already authorised.

Attached at **appendix B** is the street plan and the existing and proposed variation plans.

The current licence is attached as **appendix C**. This licence details the already authorised licenced activities and their permitted hours.

The updated statutory guidance¹ gives general advice about the steps to promote the licensing objectives as follows:

Paragraph 8.42 "Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."

Paragraph 8.43 "Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take

¹ Revised Statutory Guidance issued by the Home Office

to mitigate the impact; and why they consider the application should be an exception to the policy."

Paragraph 8.44 *"It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."*

Paragraph 8.47 *"Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."*

Paragraph 8.50 *"Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives."*

3. BACKGROUND INFORMATION

The provisions relating to the variation of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

These premises are located in Southsea Terrace in an 18th century building that was once called the White Lodge then Langtry's, White Horse and now Brewhouse and Kitchen Southsea Ltd.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

Representations were received from eight local residents. These representations raised concerns regarding the potential for noise and anti-social behaviour. The current premises licence permits the premises to open from 07:00 to 01:00 Sunday to Thursday and on Friday's and Saturdays 07:00 until 02:00 should the venue wish to do so. This application does not seek to amend the permitted times and are not to be considered as part of this application. It would appear that residents were unaware of the permitted hours which has caused the main concern. In an attempt to allay fears, the agent acting on behalf of the applicant has engaged with these residents detailing the changes and in addition supplied a copy of the 'Garden Policy' which they are offering as a condition to be attached to the premises licence if granted. Two persons making representations have subsequently withdrawn them based upon the information supplied.

Copies of the redacted representations received are attached as **appendix D**.

A copy of the agents letter to residents is attached as **appendix E**

A copy of the garden policy is attached as **appendix F**

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the variation application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance² issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on their individual merit.

The Committee should consider the fundamental principles set out in its policy, particularly paragraphs 4.7 and 4.8 which are reproduced below:

- 4.7** *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*
- 4.8** *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of*

² Revised statutory guidance issued by the Home Office

such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres.

The Committee should also have regard to paragraphs 7.1 to 7.5 in relation to such circumstances where it may be appropriate to consider the imposition of conditions on a premises licence.

Statutory Guidance

The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act refers to the consideration of applications for the grant or variation of premises licences in Chapter 9.

Members may wish to consider the following extracts from the statutory guidance when determining this application:

Paragraph 9.4 *"For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation"*

Paragraph 9.37 *"As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits".*

Paragraph 9.42 *"Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be."*

Paragraph 9.43 *"The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."*

Paragraph 9.44 *"Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider*

wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

Paragraph 10.8 *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives."*

Paragraph 10.9 *"It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."*

Paragraph 10.13 *"The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application."*

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

Paragraph 11.1 *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."*

Determination of an application

Where an application to vary a premises licence has been made in accordance with section 34 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- To modify the conditions of the licence
- To reject the whole or part of the application

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

Paragraph 13.10 "It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to vary a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence.

Where a person who made relevant representations in relation to the application contends that:

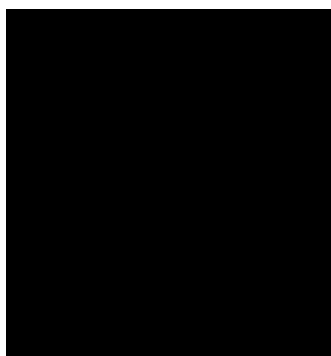
- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the variation of the premises licence together with a schedule of proposed changes to the licence conditions if necessary
- B.** Copy of street plan existing and proposed plans
- C.** Copy of the current premises licence
- D.** Copies of the redacted relevant representations received
- E.** Copy of the agents letter to residents
- F.** Copy of Garden Policy

THE COMMITTEE IS REQUESTED TO DETERMINE THE VARIATION APPLICATION



For Licensing Manager
And on behalf of Head of Service

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Brewhouse and Kitchen Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

18/03325/LAPREM

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

White Horse
51 Southsea Terrace

Post town

Southsea

Postcode

PO5 3AU

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

c/o marilyn.g@joelsonlaw.com

Current postal address if
different from premises
address

Office Above the Brewpub
2a Corsica Street

Post town

London

Postcode

N5 1JJ

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To vary the layout of the premises to include the following:

1. Remove existing gents toilet and increase size of trade kitchen
2. New walk in fridge to yard area
3. Installation of new brewery
4. Installation of 2 no. new booth seats to bar
5. Installation of new firepit style table
6. Extending raised area to western boundary
7. Formation of new gents toilet in location of existing disabled
8. Newly formed disabled toilet in part of existing ladies toilet
9. Extended external decking area
10. Provision for replacement external bar with larger footprint

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☐

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur						<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri								
Sat								
Sun								

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	07:00	01:00	
Tue	07:00	01:00	
Wed	07:00	01:00	
Thur	07:00	01:00	
Fri	07:00	02:00	
Sat	07:00	02:00	
Sun	07:00	01:00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

b) The prevention of crime and disorder

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

c) Public safety

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

d) The prevention of public nuisance

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

e) The protection of children from harm

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or X
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **ONLINE APPLICATION – LA TO SEND** ☐
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	26 October 2018
Capacity	Joelson JD LLP Solicitors for and on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Marilyn Gayle
Joelson JD LLP
30 Portland Place

Post town London

Post code W1B 1LZ

Telephone number (if any)



If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community

- premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

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Portsmouth
Application to vary a premises licence to specify an
individual as designated premises supervisor
Licensing Act 2003

For help contact
Licensing@portsmouthcc.gov.uk
 Telephone: 023 9283 4073

* required information

Section 1 of 4

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

SOUTHSEA.22.11.2018

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Matthew

* Family name

Chapman

* E-mail

operations@brewhouseandkitchen.com

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

07769260

Business name

brewhouse and kitchen limited

If your business is registered, use its registered name.

VAT number

GB

[REDACTED]

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 4

PREMISES DETAILS

I/we apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003.

* Premises licence number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Address

* Building number or name

* Street

District

* City or town

County or administrative area

Postcode

* Country

Contact Details

E-mail

Telephone number

Other telephone number

Describe the premises. For example, what type of premises it is

Continued from previous page...

public house

Section 3 of 4

SUPERVISOR

Full Name Of Proposed Designated Premises Supervisor

* First name

* Family name

* Nationality

* Place of birth

* Date of birth / /

Personal licence number of proposed designated premises supervisor

Issuing authority of that licence

Full Name Of Existing Designated Premises Supervisor

First name

Family name

* Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?

☒ Yes ☐ No

The premises licence holder can continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work.

☒ I will notify the existing premises supervisor (if any) of this application

It is sufficient for the licensee to inform the existing premises supervisor in writing, without sharing the specific details of the application.

* Will the premises licence or relevant part of it be submitted with this application?

☒ Yes ☐ No

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☐ Electronically, by the proposed designated premises supervisor

☒ As an attachment to this variation

Continued from previous page...

Reference number for consent
form (if known)

n/a

If the consent form is already submitted, ask
the proposed designated premises
supervisor for its 'system reference' or 'your
reference'

Section 4 of 4

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the
licensing act 2003, to make a false statement in or in connection with this application.

* I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a
personal licence, details of which I set out below.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on
behalf of the applicant?"

* Full name

Matthew Chapman

* Capacity

general manager

* Date

22 / 11 / 2018
dd mm yyyy

Remove this signatory

Full name

Gratiane Lainey

Capacity

Ops admin

* Date

22 / 11 / 2018
dd mm yyyy

Remove this signatory

Add another signatory

OFFICE USE ONLY

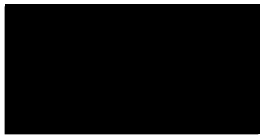
Applicant reference number	<input type="text" value="SOUTHSEA.22.11.2018"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 Next >

Consent of individual to being specified as premises supervisor

I Matthew John Chapman
[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Transfer of the designated premises supervisor
[type of application]

by

Brewhouse and Kitchen limited
[name of applicant]

relating to a premises licence 18/03325/LAPREM
[number of existing licence, if any]

for

Brewhouse and Kitchen Southsea
51 Southsea Terrace
PO5 3AU
Hants
Southsea

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Brewhouse and Kitchen limited

[name of applicant]

concerning the supply of alcohol at

Brewhouse and Kitchen Southsea
51 Southsea Terrace
PO5 3AU
Hants
Southsea

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number



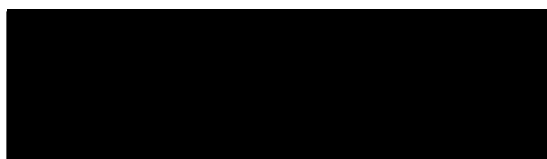
[insert personal licence number, if any]

Personal licence issuing authority

Brighton and Hove City Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



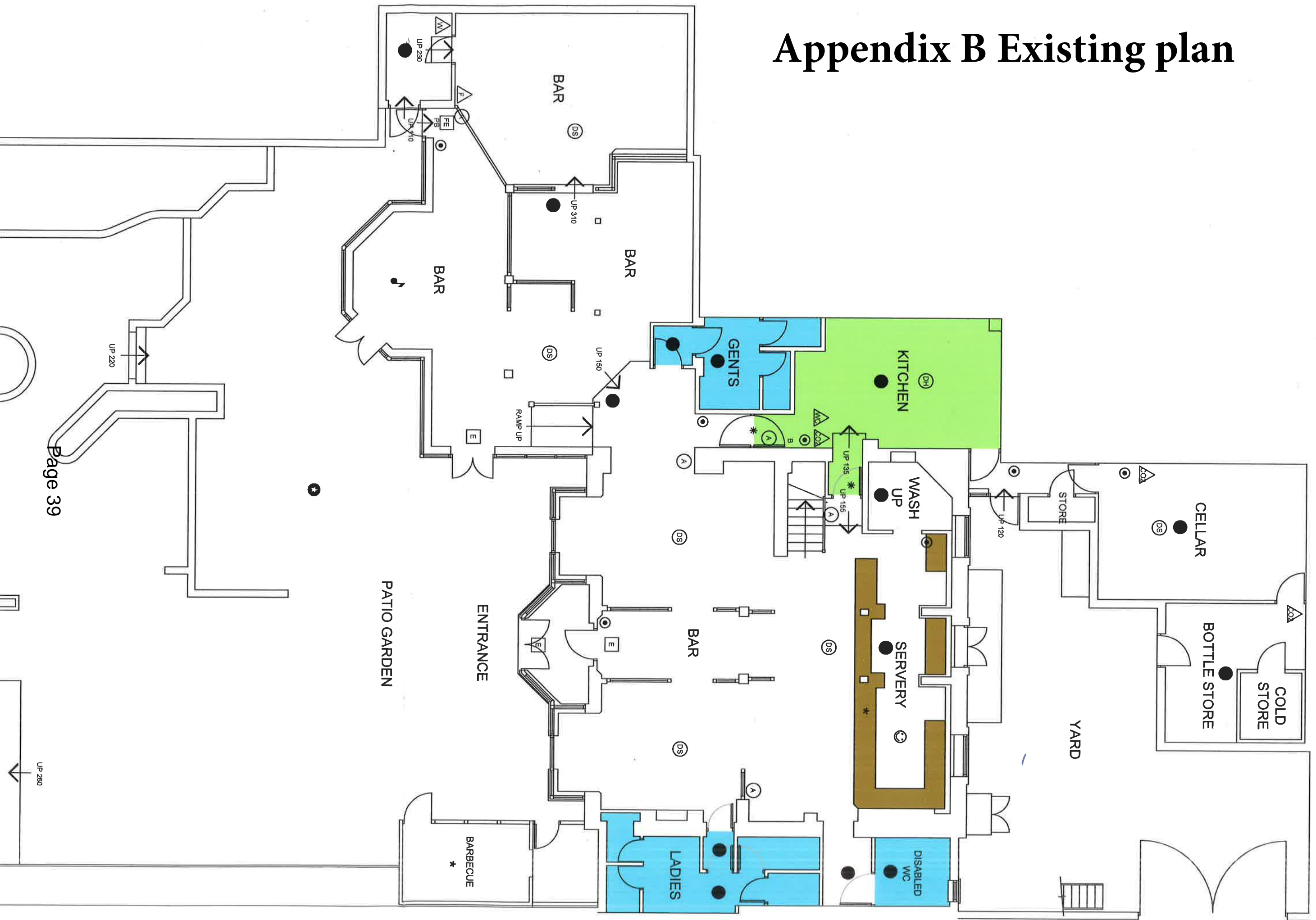
Name (please print)

M. CHAPMAN

Date

22/11/18.

Appendix B Existing plan



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Appendix B Street plan

NLIS/1CH_MDCL/3120738

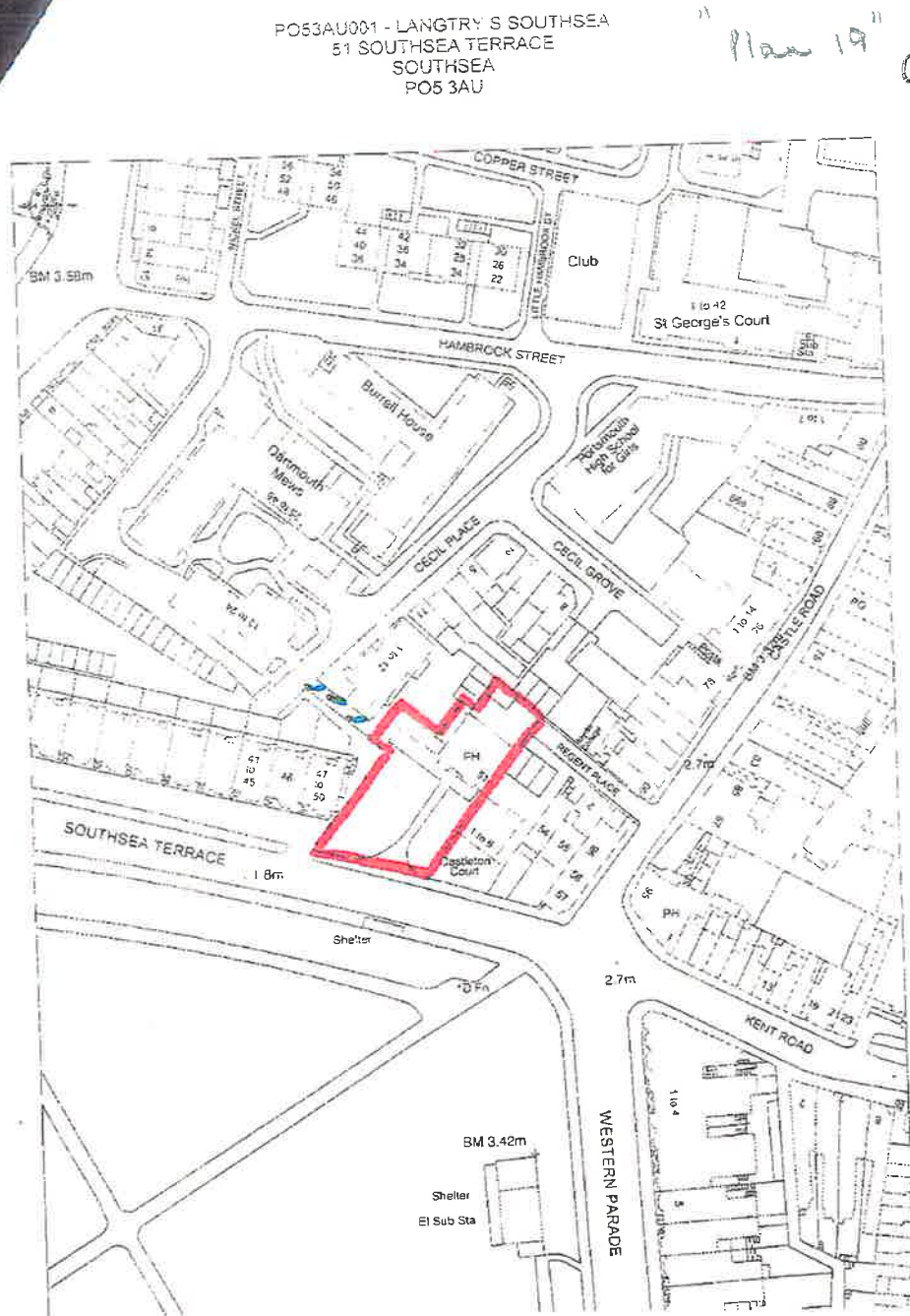
Official number: 04006234

51 SOUTHSEA TER SOUTHSEA PO5 3AU

ADDITIONAL ATTACHMENTS

File Attached: Map0.gif

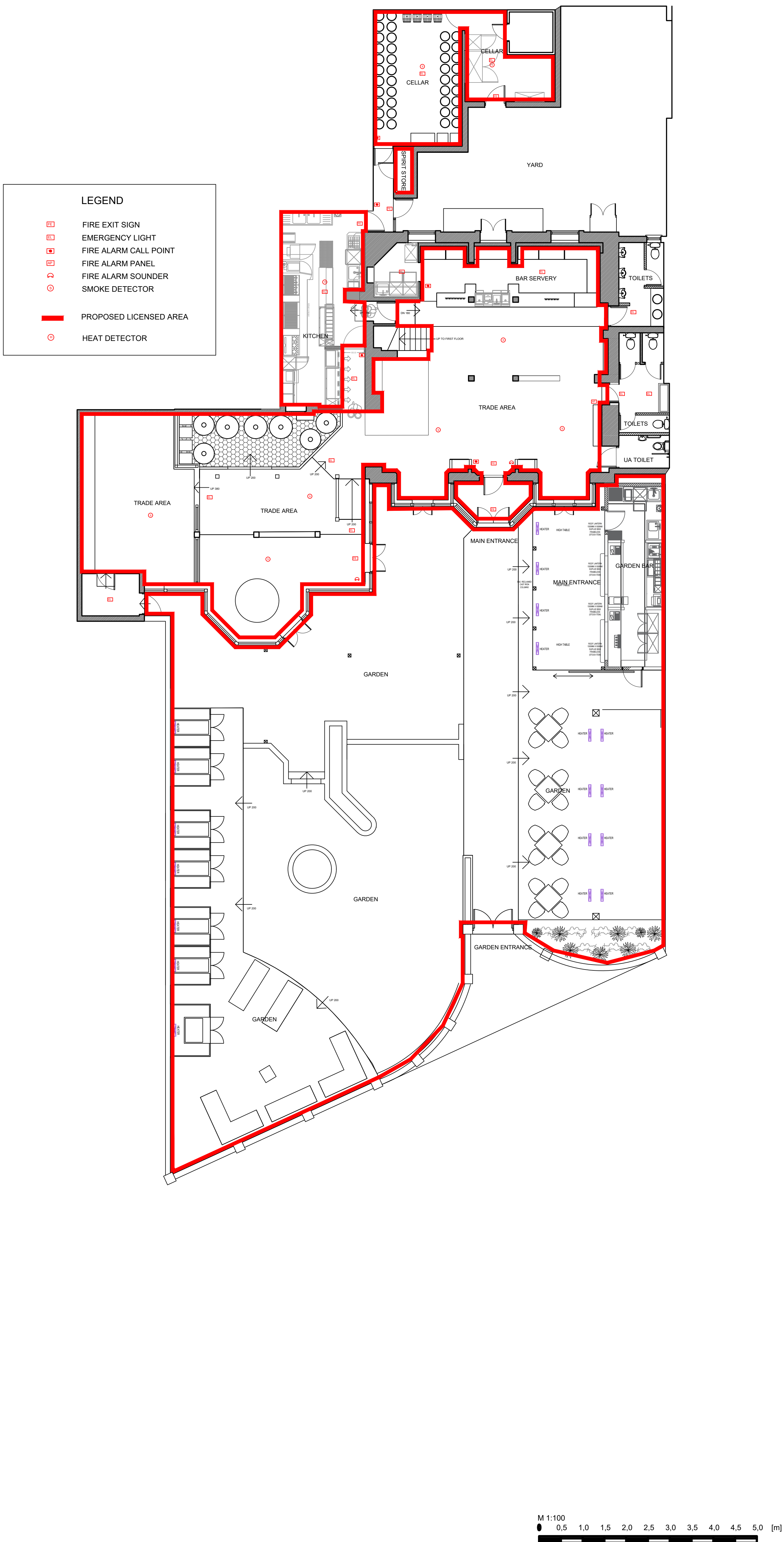
Description: Map Attachment for Request Area



29 JUN 2005
RECEIVED

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Appendix B New plan



SITE		
B&K SOUTHSEA		
TITLE		
PROPOSED LICENSING		
DATE	SCALE	DRAWN
JUL'18	1:100 @ A1	RFT
DRAWING NUMBER		REV
1803-PL/01		B

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PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Address: White Horse
51 Southsea Terrace
Southsea
Hants PO5 3AU

Map Ref (E) : 463890
Map Ref (N): 99143
UPRN: 001775074975

Telephone

Where the licence is time limited the dates

This licence is **NOT** time limited

Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Late night refreshment
- ▶ Exhibition of a film
- ▶ Performance of live music
- ▶ Playing of recorded music
- ▶ Other similar music or dance Entertainment
- ▶ Indoor sporting event

The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol

Friday and Saturday	10:00 until 01:00
Sunday to Thursday	10:00 until 00:00
- ▶ Exhibition of a film

Monday to Sunday	07:00 until 01:00
------------------	-------------------
- ▶ Performance of live music

Monday to Sunday	10:00 until 00:00
------------------	-------------------
- ▶ Playing of recorded music

Friday and Saturday	07:00 until 02:00
Sunday to Thursday	07:00 until 01:00

► Other similar music or dance Entertainment
Monday to Sunday 10:00 until 00:00

► Indoor sporting event
Friday and Saturday 07:00 until 02:00
Sunday to Thursday 07:00 until 01:00

► Late night refreshment
Friday and Saturday 23:00 until 02:00
Sunday to Thursday 23:00 until 01:00

Non standard timing - Sale by retail of alcohol

On New Year's Eve from 10:00 until 01:00 January 2nd - 07:00 until 02:00 January 2nd for the hours of opening and closing
On Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day from 10:00 until 01:00

Non standard timing - Exhibition of a film

On New Year's Eve from 07:00 until 02:00 January 2nd
On Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day from 07:00 until 02:00

Non standard timing - Performance of live music

On New Year's Eve from 10:00 until 02:00 on January 1st

Non standard timing - Playing of recorded music

On New Year's Eve from 07:00 until 02:00 January 2nd
On Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day from 07:00 until 02:00

Non standard timing - Other similar music or dance Entertainment

On New Year's Eve from 10:00 until 02:00 January 1st

Non standard timing - Indoor sporting event

On New Year's Eve from 07:00 until 02:00 January 2nd
On Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day from 07:00 until 02:00

Non standard timing - Late night refreshment

On New Year's Eve from 23:00 until 02:00 January 2nd
On Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day from 23:00 until 02:00

The opening hours of the premises

► Sunday to Thursday 07:00 until 01:00
► Friday and Saturday 07:00 until 02:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption both **on** and **off** the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Brewhouse And Kitchen Limited

Address: Office Above The Brewhouse
2A Corsica Street
London N5 1JJ

Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)
07769260

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: Mr David Reed

Address:

Telephone:

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence No:

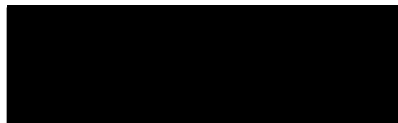
Issuing Authority: New Forest District Council

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder

Date Licence granted: 1 August 2005

Date last amended: 6 August 2018

Type: Transfer



Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders. For further information about how the Council collects and uses personal information please visit our website: <https://www.portsmouth.gov.uk/ext/the-council/data-protection-privacy-notice>

PORTSMOUTH CITY COUNCIL, Licensing Service,
Civic Offices, Guildhall Square, Portsmouth PO1 2AL
Telephone (023 9283 4607/023 9268 8367) Fax 023 9283 4811 Email Licensing@portsmouthcc.gov.uk

Annex 1 – Mandatory Conditions

01 No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

02 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

03 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

04 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

05 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

06 The responsible person must ensure that:

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

07 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --

Annex 2 – Conditions consistent with the operating schedule

01 From one hour before proposed closing time there will be no supply of alcohol and the supply of non alcoholic drinks, hot drinks, meals and heated snacks should continue until closing time.

02 Access to the toilet facilities will be available until the premises close.

03 The Designated Premises Supervisor of the premises shall be an active member of any local Pubwatch or Clubwatch Scheme.

04 a) Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.

b) Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence.

c) Any person as defined in (a) above will clearly display his name badge at all times whilst on duty.

05 The licence holder shall ensure that from one hour prior to the premises closing to the public the volume of recorded music will be reduced to background level.

06 Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

07 The premises licence holder will comply with such statutory requirements for fire and health and safety as from time to time are in force and which includes undertaking such risk assessments as are required under the relevant legislation..

08 The licence holder shall ensure that the restrictions set out in the licensing Act 2003, with regards the protection of children from harm, will apply.

09 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Such identification may include photo-driving licence, passport, PASS (Proof of Age Standards Scheme).

10 The licence holder shall ensure that AWP and cigarette machines are sited in areas that are visible to staff, to ensure that children do not have access to them.

11 The licence holder shall ensure that all members of staff are trained on the requirements of the Licensing Act 2003 and also be given training in "drugs awareness" as part of their induction.

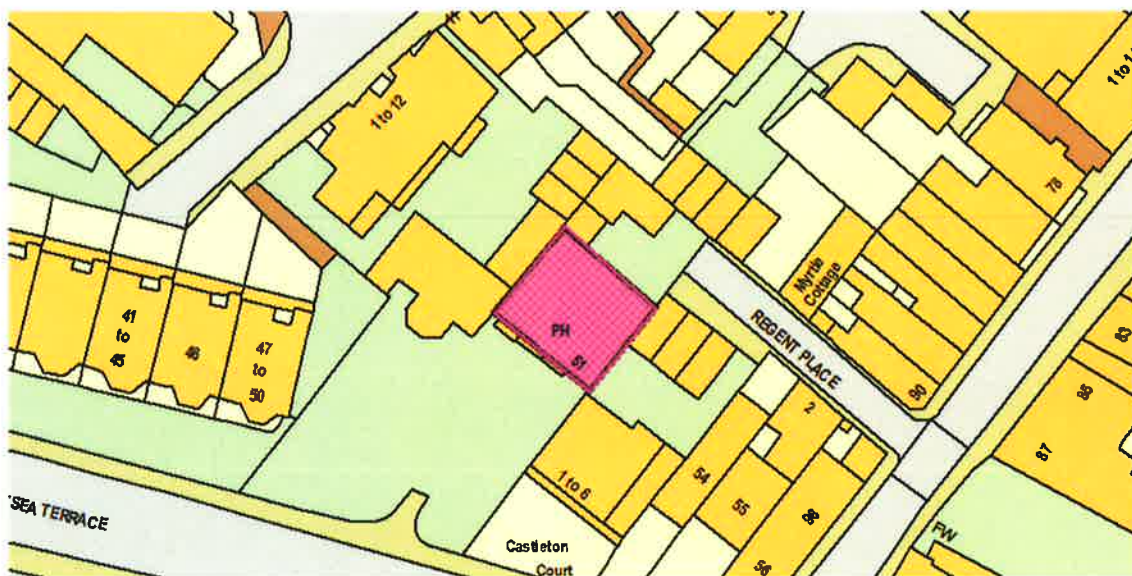
-- END --

Annex 3 – Conditions attached after a hearing by the licensing authority

-- END --

Annex 4 – Premises and location plan**Premises Plan(s)**

These will either be shown below or attached as a separate part of the premises licence authorisation.

Location Plan: 51 Southsea Terrace Southsea

REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER
MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN
COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER
LA100019671- PORTSMOUTH CITY COUNCIL

Comments for Licensing Application 18/03853/LAPREM

Application Summary

Application Number: 18/03853/LAPREM

Address: 51 Southsea Terrace Southsea Hants PO5 3AU

Proposal: Premises Licence

Case Officer: Ms Debra Robson

Customer Details

Name: Mr Dean Kendell

Address: 22 Carlton House, 1-6 Western Parade, Southsea PO5 3ED

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 11:00 PM on 22 Nov 2018 This is a residential area and although we are not within 50 meters as close as 100 meters we should have been at least notified if not consulted. We are already subjected to noise from this establishment with "special events" spilling into the street at closing time. Now reviewing at how they have developed the outdoor space with a Bar & Kitchen along with heating along with an application to stay open longer I fear our lives will be blighted even further. If the outdoor space is allowed to remain usable until 0200 with music and serving alcohol we might as well sell up now and move. Common sense should dictate that outdoor activities must cease at 2300 to allow the local residents quite entitlement in there chosen dwelling. I urge the Application is rejected or amended to remove the outdoor space from the extension, but without being unreasonable they are allowed a small number of events throughout the year to make use of the space with the local residents being notified.

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Appendix D

Stone, Derek

From: Alex Newberry [REDACTED]
Sent: 26 November 2018 11:44
To: Robson, Debra
Subject: Re: Brewhouse and Kitchen (White Horse) extended licensing application

Hi Debbie

Its flat 3, 8 Western Parade

Regards,
Alex

> On 26 Nov 2018, at 10:54, Robson, Debra [REDACTED] wrote:

>

> Dear Alex

>

> Can I have your flat/apartment number.

>

> Thank you.

>

> Debbie Robson

> Senior Licensing Officer

> Directorate of Culture and City Development Licensing Service

> Portsmouth City Council Civic Offices Guildhall Square Portsmouth

> PO1 2AL

>

>

[REDACTED]

>

>

> -----Original Message-----

> From: Alex Newberry [REDACTED]

> Sent: 23 November 2018 10:31

> To: Licensing Shared Email

> Cc: [REDACTED]

> Subject: Brewhouse and Kitchen (White Horse) extended licensing
> application

>

> Brewhouse and Kitchen, Southsea

>

> I would like to place my objections to the proposed extended licensing hours on these following points:

>

> • The area surrounding the Brewhouse and Kitchen, Southsea Terrace is a densely populated residential area which has suffered in the past when there was a lot of noise from club goers returning home from using the clubs situated in the area of South Parade Pier, Palmerston Rd etc. PCC made the decision to concentrate late night venues around Guildhall Walk to protect residential areas and facilitate policing. These days there is minimal disruption to the area and it would be wrong to give an extended licence to this establishment which would then have nightclub hours.

>

> • Noise while people leave the pubs due to taxis, loud conversation, rowdy behaviour which would go on for a long time after pub closure.

>

> • I understand there might be a bar in the garden, this would be clearly unacceptable in the summer months, especially when extended to 2am.

>

> Many thanks for reading my response.

>

> Alex Newberry

> 8 Western Parade

> Southsea

>

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> Visit www.portsmouth.gov.uk/updates-sign-up today

> _____

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Appendix D

Stone, Derek

From: ALASTAIR RITCHIE [REDACTED]
Sent: 23 November 2018 19:56
To: Robson, Debra
Cc: [REDACTED]
Subject: OBJECTION : LICENCE APPLICATION LAPREM/5537

Dear Debra,

Further to our recent correspondence please find below my OBJECTION to the application to vary the above trading licence

My residence is on the corner of Western Parade and Kent Road, we directly overlook the external terrace to the Brewhouse and Kitchen accessed from the Southsea Terrace road. We are directly affected not only by the visual appearance of the proposal but by external lighting and noise generated from this property.

My OBJECTION refers to the fact that the existing White Horse Licence is only to be amended and all objections are made accordingly

PREVENTION OF CRIME AND DISORDER

The application states the current licence applies, in principle yes but actually this is not the case. The applicant is installing EXTERNAL HEATERS near or above proposed seating this completely removes the natural control to external use of all external areas by the climate, no longer will wind, rain, snow and temperature force patrons indoors. The neighbourhood will be subject to rowdy behavior by patrons late into the night, the "letter" of this licence allows the consumption of alcohol for a period of 18 hours daily with 19 hours on Fridays and Saturdays not only indoors but externally. It requires little imagination to consider the physical state of patrons after such lengthy periods of alcohol consumption, there will be shouting, arguments, bad behavior and fighting/scuffling. It is known that disorder escalates under such conditions thus late night drinking externally must be controlled not only for those combatting crime and disorder but the neighbourhood potentially subject to continuous partying 7 days a week 52 weeks a year. If uncontrolled the terms of this licence will cause disorder leading to crime.

PUBLIC SAFETY

The above objection continues into this category due to patrons being unable to control themselves due to the over consumption of alcohol. There is the possibility of passersbys being accosted, similarly women let alone taxi drivers once drinking stops. It is well known the affect of drinking and subsequent behavior up to 11 to 12 pm; to allow drinking by a further 2 hours after this time is totally irresponsible. Licence hours must be restricted as this Applicant is making every effort to ensure patrons may drink regardless of the weather by providing sheltered and heated external seating. This would be setting a precedent if approved and if there is no other similar facility nearby it is not unreasonable to consider that other "non-desirable" persons may be encouraged to continue their debauchery here. The potential is there and if allowed this neighbourhood would change from a residential area with public houses, who respect their neighbours, to a drinking "DIVE" and all that represents.

PREVENTION OF PUBLIC NUISANCE

Under the terms of this application there is no control of public nuisance, this will be determined by the Applicant. The current conditions allow external drinking, the playing of recorded or live music and any other form of entertainment externally until 01.00 or 02.00 am starting again at 07.00 am each and every day, everyone is allowed a 5 or 6 hour period for sleep each and every night. The applicant has made no declaration as to SEASONAL hours, but would not, as his application provides facilities to combat the possibility of the weather preventing the non-use of outdoor spaces. The Licensing Department must impose controls and opening hours to avoid public nuisance. The White Horse whilst in existence respected its neighbours and managed its operations, under the same operating hours, and ensured late night opening was controlled and stopped at a reasonable hour, plus such events were occasional not every night. The Samphire operates similarly thus the Brewhouse and Kitchen must be caused to follow these good neighbourly practices if not there will be drunk, raucous people returning home in the middle of the night keeping all this neighbourhood awake. The level of complaints will increase, best to control now. Additionally there is an external kitchen proposed generating its own particular form of noise, lighting and SMELL and under the current conditions can operate until 01.00 or 02.00 am each and every night unless restricted by the Licensing Department. All these forms of nuisance are to be controlled if not refused, why can cooking not be carried

out indoors where all controls as to smell can be controlled? The smell generated to provide food for all external patrons will be horrendous especially in this Smokeless Zone.

The Parade Tearooms is an exemplar as to how this neighbourhood wishes those providing leisure facilities to do so and how we battled to ensure the wishes of the neighbourhood were respected. This neighbourhood is within a Conservation Area and its character must be retained not destroyed by greedy uncaring commercial enterprises. It is fair to state that if unrestricted hours are provided, as currently defined, then the Applicant is free to operate them without recourse. It is the responsibility of the Licensing Department to ensure that the risk of any Public Nuisance never arise.

PROTECTION OF CHILDREN FROM HARM

It is understood the Licensing Department will control the operation of this new facility in that the risk arising of any harm to children will be minimised and removed, however such risk is to be contained not only within the property but outwith it. The movement of patrons leaving the premises at 01.00 and 02.00 am in the morning will not be a quiet process, it will be loud and disruptive, children will be awakened, their sleeping habits will be disrupted affecting them for the next day, under the terms of the current licence and as described above this will occur 7 days each and every week, year in and year out. Children's health will be affected thus causing them HARM, this must not be allowed to happen.

In conclusion Portsmouth City Council must control this development which has commenced unlawfully and the Licensing Department must restrict the operation of this establishment to protect all within this neighbourhood. The most practical way to do this is remove the heaters and all cooking to be undertaken indoors.

By way of reiteration it is confirmed this is a Conservation Area, it is a Smokeless Zone and Barbeques within this Area are banned, Portsmouth City Council are required to protect the many and not the few commercial enterprises who by their practices will destroy the very character of the area they wish to profit from.

Yours sincerely

Alastair Ritchie
49 Carlton House
1-6 Western Parade
Southsea
PO5 3ED

Appendix D

Stone, Derek

From: Robson, Debra
Sent: 23 November 2018 17:16
To: Robson, Debra
Subject: FW: FAO Ms Debra Robson. RE Brewhouse and Kitchen Southsea Terrace

41 Carlton House

From: Robson, Debra
Sent: 23 November 2018 12:11
To: Robson, Debra
Subject: FW: FAO Ms Debra Robson. RE Brewhouse and Kitchen Southsea Terrace

From: Fay Worley [REDACTED]
Sent: 23 November 2018 01:08
To: Licensing Shared Email
Subject: FAO Ms Debra Robson. RE Brewhouse and Kitchen Southsea Terrace

Dear Ms Robson,

A neighbour has just informed me that the Brewhouse and Kitchen on Southsea Terrace has applied for a licence to stay open until 1am weeknights and 2am at the weekends. As a neighbour of the pub (I am a Carlton House, PO5 3ED resident) I have not received any formal notification of the application, nor seen any notification posted on the street. I hope that this email reaches you in time for it's consideration.

While I wish the new business success, I want to object to their proposed opening hours. The pub is located in a residential area, with many homes within close proximity (there are 50 flats in Carlton House alone). I am concerned that late night noise from the pub garden (especially given the new garden bar and heated seating areas) and from people arriving and leaving will keep us awake at night. It's not appropriate in a residential area, which includes a mixture of professionals, retirees, families and students.

Best wishes
F Worley

[Sent from Yahoo Mail on Android](#)

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Appendix D

Stone, Derek

From: Robson, Debra
Sent: 23 November 2018 17:16
To: Robson, Debra
Subject: FW: 8/03853/LAPREM & 18/01499/FUL

From: DEAN KENDELL [REDACTED]
Sent: 23 November 2018 12:00
To: Licensing Shared Email; [REDACTED] Public Protection; Planning CHD Referrals (CPL); City Help Desk
Cc: [REDACTED]
Subject: 8/03853/LAPREM & 18/01499/FUL

I am objecting to the both the Planning & licence extension application.

This is a residential area and although we are not within 50 meters as close as 100 meters we should have been at least notified if not consulted. Is the 50 meters the absolute minimum because it looks like you have only consulted 10 ! properties when this development will affect over 50.

We are already subjected to noise from this establishment with "special events" spilling into the street at closing time. Now reviewing at how they have developed the outdoor space with a Bar & Kitchen along with heating along with an application to stay open longer I fear our lives will be blighted even further. Trees and bushes have already been cut down, these acted a barrier to the noise that came from the premises.

Why has most of the work been allowed before the consultation period has ended and the application has been approved?

If the outdoor space is allowed to remain usable until 0200 with music and serving alcohol we might as well sell up now and move. Common sense should dictate that outdoor activities must cease at 2300 to allow the local residents quite entitlement in there chosen dwelling. I urge the Applications are rejected or at least to amended the application to remove the outdoor space from the extension.

This is just further evidence that the local Authority does not consult, consider, cooperate with or protect local residents over businesses.

If this goes ahead and we are blighted with constant noise I will have the Police and Noise pollution number on speed dial.

Yours Hopefully

Dean Kendell
Flat 22 Carlton House
1-6 Western Parade
Southsea
PO5 3ED

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Brewhouse & Kitchen Limited

Brewhouse & Kitchen, 51 Southsea Terrace, Southsea, Hants PO5 3AU (the "Premises")

Variation of Premises Licence

Statement of Case

This statement is made in support of an application for a Premises Licence variation application for the Premises with the intention of outlining the applicant's case and seeking to address the concerns of the residents maintaining a representation. If concerns remain, amplification of the points raised below, together with further submissions, will be made orally at the licensing sub-committee hearing.

Background & Style of Operation

The applicant, Brewhouse & Kitchen Limited, is an experienced operator of twenty-two high-quality pubs throughout the country which brew unique craft beers on-site. The pubs also feature a substantial food offer with each dish matched to a particular beer. A sample menu and drinks list are attached at **appendix 1**. Photographs of existing Brewhouse & Kitchens are at **appendix 2**. The Premises was acquired in July 2018 and has been closed since the end September in order to refurbish the Premises to modern standards.

The Application

The premises licence variation application was only to approve a change of layout plan. No application has been made to amended hours, regulated activities or conditions. The layout changes comprise:

- removal of the existing gents toilet to increase the size of the kitchen to allow a more substantial and better quality food offer;
- installation of a new 'walk in' fridge in the yard area for food storage;
- installation of new micro-brewery;
- construction of two booth seats;

- installation of a new internal 'firepit' style table;
- extension of the raised area to the western boundary;
- formation of a new gents toilet in location of existing disabled toilet;
- installation of a disabled toilet in part of existing ladies toilet;
- extension of the external decking area; and
- replacement of the existing external bar.

The outside bar and cooking area are already shown on the existing plan and the covered seating areas and non-smoking 'huts' have been intentionally designed to reduce outbreak of noise. Please see pictures at **appendix 3**. A more detailed description of the changes of layout will be given at the licensing sub-committee hearing.

The Representations

Whilst the applicant was pleased not to receive any representations from any of the statutory authorities, it did receive representations from eight local residents.

On reading the representations, it immediately became clear that had been some confusion as to the ambit of the application. As the previous operator of the Premises had not been trading the full extent of the permitted hours, there was a misunderstanding that an application to vary permitted hours had been lodged. Therefore, within a few days of receiving the representations, explanation letters were sent to everyone who raised a representation. Attached at **appendix 4** is an example of one of the letters with the garden management policy which will be adopted. At the time of writing, Ms Carol Westmacott and Ms Kate Waterhouse have since withdrawn their representations and Mr Alastair Ritchie has sent a response maintaining his representation (copy at **appendix 5**).

As the licensing sub-committee will be aware, in their quasi-judicial role they have to consider whether the changes of layout sought will fail to uphold one or more of the four licensing objectives. Hence, certain points raised by those raising representations are not relevant and will not be addressed in this statement. These points include:

- the proposed/permitted opening hours or the effect of these hours being traded;
- the merits, or lack thereof, of the statutory consultation process;
- the location of the Premises in a Conservation Area;

- general incidents of crime and anti-social behaviour in the neighbourhood;
- visual appearance of the works;
- the changes to the decking area which do not practically increase the seating capacity, nor number of covers;
- the use of outside heaters which is not a licensable activity;
- the possibility of barbeques (the 'firepit' being an internal decorative feature not used for the cooking of food);
- parking issues (which are covered by other legislation);
- capacities (which are not recorded on the current premises licence);
- the external kitchen and bar which are shown on the existing approved plan;
- disturbance by additional taxis; and
- other measures which are planning restrictions but not reflecting in the existing premises licence.

Indeed, the concerns which are relevant to the changes sought and Licensing Act 2003 are rather limited. In theory, the refurbishment could see the release of cooking smells if new equipment was not installed. However, this has not been the case. The kitchen extract system is new and of good quality. It contains several filters which capture any smells. Furthermore, those who have made representations live some distance away from the Premises. Nevertheless, the applicant is still happy to proffer the condition mentioned in the letter to the residents:

'No drinks shall be taken outside after 11 p.m. Sunday to Thursday and midnight Friday and Saturday.'

Conclusion

This is a straightforward application but still an important one as the applicant needs the approved plan to conform to the actual build layout in order to be able to trade without relying on temporary event notices. The applicant is spending approximately £700,000 on this project and hopes that the Premises will be family friendly and an asset, not only to local residents, but also visitors to the area.

The licensing sub-committee is hence asked to grant the application as sought.

JOELSON JD LLP

EVENING MENU

COOKING & MATCHING WITH BEER

The eagle-eyed of you will have noticed our menu offers suggestions for beer and food pairings. Match them up for a fuller flavour to your food and a bigger bang to your beer. Also keep an eye out for where we have used beer in the recipe.

STARTERS & SMALL PLATES

ANY 3 DISHES £13.95* | ANY 5 DISHES £22.00*

Excludes large/sharing portions of nachos. Dishes marked with ☼ will incur a £1 surcharge per dish

FRESHLY BAKED BREADSTICKS WITH DIPS
(BALSAMIC & OLIVE OIL, CLASSIC AND
BEETROOT HOUMOUS) ☼ | 4.95
- BELGIAN

SPICED LENTIL SOUP WITH FRESHLY
BAKED BREADSTICK AND BUTTER ☼ | 4.95
VEGAN? JUST ASK TO SKIP THE BUTTER!

STICKY BBQ or HOT BUFFALO
CHICKEN WINGS ☼ | 5.75
- WOOD-AGED

HOMEMADE PORK, ALE & BLACK PUDDING
SCOTCH EGG WITH MUSTARD | 4.25
- STOUT

MINI BRUSCHETTA WITH HERITAGE
TOMATO AND BASIL PESTO ☼ | 4.75
- WHEAT

CRISPY SALT & PEPPER CALAMARI
WITH GARLIC MAYO ☼ | 5.50
- LAGER

MAC & CHEESE MELTS WITH
CHILLI JAM ☼ | 4.50
- IPA

STICKY BBQ RIBS (1/2 RACK) ☼ ☼ | 5.95
- ENGLISH STYLE ALE

LOADED NACHOS ☼ ☼ ☼ | 6.00 | 9.95
ADD BEEF CHILLI ☼ | 7.50 | 12.95
- AMERICAN STYLE ALE

MINI GOAT'S CHEESE WITH ROASTED
SHALLOT COULIS, RED BASIL, HERITAGE
TOMATO AND CROSTINI ☼ | 5.25
- BELGIAN

BURGERS

SERVED IN A BRIOCHE BUN WITH A SIDE OF FRIES
UPGRADE TO SWEET POTATO FRIES | £1.00
all burgers are available "naked" (with a side salad
instead of fries and no bun) - just ask your server!

B&K CLASSIC | 10.50

100% British brisket & chuck steak patty with cask ale
relish, tomato, lettuce, red onion, dill pickle & mayo

UPGRADE TO A "RIDICULOUS" | 5.00
(ADD A 2ND PATTY, BACON, CHEESE AND BBQ PULLED PORK)

- AMERICAN STYLE ALE

MEMPHIS BBQ | 12.75

100% British brisket & chuck steak patty, bbq pulled
pork, Swiss cheese with cask ale relish, tomato, lettuce,
red onion, dill pickle & mayo

- IPA

BUTTERMILK FRIED CHICKEN | 10.50

homemade tender southern fried chicken breast,
chipotle mayo, tomato, lettuce, red onion & dill pickle
- LAGER

VEGGIE STACK ☼ | 10.50

Portobello mushroom, chargrilled aubergine & courgette
with chilli jam, tomato, lettuce, red onion, dill pickle &
vegan crema

VEGAN? JUST ASK FOR A VEGAN BUN!
- AMERICAN STYLE ALE

BOOST YOUR BURGER WITH ANY OF THESE TOPPINGS...

100% BRITISH BRISKET & CHUCK STEAK PATTY | 3.00
MAC & CHEESE MELTS / BBQ PULLED PORK | 2.50
SMOKED STREAKY BACON / BLUE CHEESE /
SWISS CHEESE / VEGAN CHEESE / FRIED EGG | 1.50

MAINS

8oz RIBEYE STEAK | 15.25

ADD PEPPERCORN SAUCE | 1.95

ADD MELTED BLUE CHEESE | 1.95

14-day aged South American beef served with roasted beef tomato, portobello mushroom, skin-on chunky chips & peppery watercress
- STOUT

LAMB, PEA AND MINT PIE | 11.50

with buttered mashed potato, wilted kale and red wine gravy
- WOOD-AGED

WHOLE RACK OF STICKY BBQ RIBS | 14.95

served with skin-on fries, buttered corn cobs and homemade slaw
- ENGLISH STYLE ALE

LEGEND CRAFT LAGER BATTERED

COD & CHIPS | 11.25

sustainably sourced cod with skin-on chunky chips, crushed minted peas, a dill pickle, homemade tartare sauce and fresh lemon
- LAGER

LEMON & GARLIC ROASTED

CHICKEN LEG | 11.50

with tarragon mashed potato, pan fried savoy cabbage, baby carrots and a wholegrain mustard & cream sauce
- IPA

WILD MUSHROOM & THYME RISOTTO | 10.25

ADD GRILLED CHICKEN | 2.50

served in 1/2 a roasted butternut squash with dressed watercress salad, roasted pumpkin seeds & roasted shallot coulis
- BELGIAN

CHARGRILLED BROCCOLI &

HERBED QUINOA SALAD | 9.25

ADD POACHED EGG | 1.50

ADD GRILLED CHICKEN | 2.50

with butternut squash, cauliflower and kale, tossed in a pineapple & ginger dressing, topped with pomegranate & pumpkin seeds
- AMERICAN STYLE ALE

CLASSIC CHICKEN CAESAR SALAD | 10.50

ADD POACHED EGG | 1.50

whole chargrilled chicken breast, crisp lettuce tossed in a classic anchovy caesar dressing, topped with smoked streaky bacon, shaved parmesan and our house croutons
- WHEAT

SIDES

SKIN-ON FRIES | 2.75

UPGRADE TO CHILLI CHEESE FRIES | 2.00

SKIN-ON CHUNKY CHIPS | 2.75

SWEET POTATO FRIES | 3.50

LEGEND CRAFT LAGER BATTERED

ONION RINGS | 2.75

HOUSE SALAD | 3.25

DESSERTS

STOUTS/PORTERS ARE A GREAT MATCH FOR CHOCOLATE & WHEAT BEERS ARE GREAT MATCH FOR FRUIT

OREO SUNDAE | 4.95

with black coconut ice cream & crushed oreos

CHOCOLATE ORANGE

BROWNIE TART | 4.95

with vegan vanilla ice cream

STICKY TOFFEE PUDDING | 4.95

with vanilla ice cream or custard

SALTED TOFFEE APPLE CRUMBLE | 4.95

with vanilla ice cream or custard

ASK TO SEE OUR CHILDREN'S MENU

● INDICATES VEGETARIAN DISHES ● INDICATES VEGAN DISHES ● INDICATES GLUTEN FREE DISHES

Some dishes may contain or have traces of nuts or dairy. Please ask a team member for our list of allergens. A discretionary service charge of 10% will be added to the bill for groups of 6+

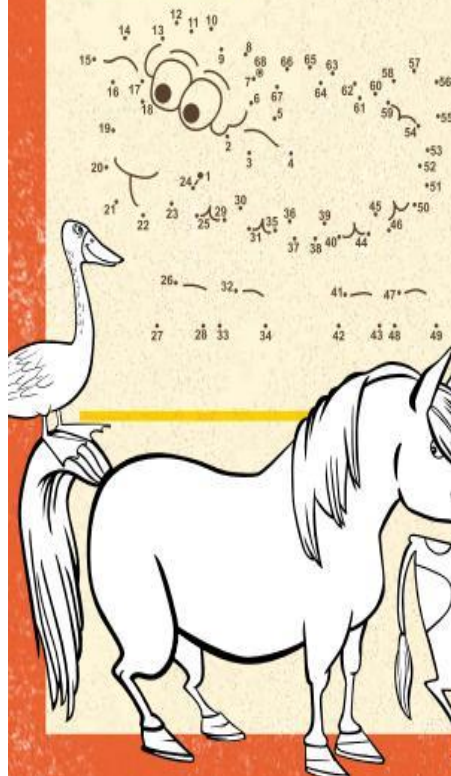
100% OF ALL TIPS GO TO THE TEAM



**BREWHOUSE
&
KITCHEN**

Dot to Dot

Can you guess what farmyard animal is below? Write your guess on the dotted line and then join up the dots to find out if you're right!



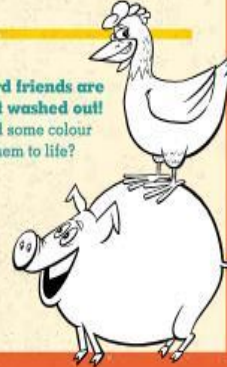
GIANT DELICIOUS WORDSEARCH

Can you find all these foods in our wordsearch?

APPLE	CARROT	LETTUCE	RICE
BACON	CHEESE	ORANGE	SOUP
BANANA	CORN	PIE	STRAWBERRY
BREAD	FRUIT	PIZZA	TOMATO
CANDY	HAMBURGERS	POTATO	VEGETABLE

Z S P H F D Z U D V Y Q L G L R N P
A P A R A L O W E R Z W U V L P L B
U W U E M N L G R P F G N B C X W A
H I R N O E E E R E G R U B M A H N
T B R C T T B T E P O T A T O A A A
S O A T A W I D O S O E O H Y P Z N
C B U B A A O J U R E T G P O P Z A
J C L R S O U P E M R E A N Y L I K
E E T W Y F Q Z R M T A H M A E P I
I S H D Y Y C I K L F H C C O R Z N
U H N W M K C J K C F E M L Q T O V
Y A V G Y E D D Z Y R H E I P Q V N
C B M D M A H U O X N U Y A S R Y C

Our farmyard friends are
looking a bit washed out!
Can you add some colour
to bring them to life?



JUNIORS MENU

KIDS MEAL DEAL
Main, Dessert & Drink | £6.50

MAINS

**BUTTERMILK FRIED
CHICKEN BREAST | 4.95**
tender southern fried chicken
with skin-on fries & golden peas

FISH & CHIPS | 4.95
sustainably sourced cod with
skin-on chunky chips, garden
peas and fresh lemon

MINI CHEESEBURGER | 4.95
3oz 21-day aged British beef
patty with Swiss cheese and
lettuce served with skin-on fries

MAC & CHEESE | 4.95
with garlic bread

DESSERT

**Jude's
ICE CREAM POT | 2.00**
Vanilla, strawberry
or chocolate

DRINKS

JUICE | 1.50
half pint of Eborac juice
(choice of three flavours)

SQUASH | 1.00
50ml of Schweppes Cordial
(choice of three flavours)

MILK | 0.50
CHOCOCOINO | 0.90

① INDICATES VEGETARIAN DISHES
② INDICATES VEGAN DISHES
③ INDICATES GLUTEN FREE DISHES

Some dishes may contain or have traces of
nuts or dairy. Please ask a team member for
our list of allergens. A discretionary service
charge of 10% will be added to the bill for
groups of 4+

OUR BEERS

At Brewhouse & Kitchen we're so dedicated to craft beer that we brew a range of core, seasonal and intriguing Brewer's Choice beers on site in our very own microbrewery, with each range as unique to the pub as our Head Brewer is.

Our Cask and Keg Beers are available in 1/3 pint, as well as 1/2 pint, pint and stein.

Ask a team member for details of our latest seasonal or Brewer's Choice brew – free tastings available!

● INDICATES BEERS BREWED RIGHT HERE IN OUR MICROBREWERY

🌱 INDICATES VEGAN BEERS 🌾 INDICATES GLUTEN-FREE BEERS

AMERICAN STYLE ALE

SYNCHRONICITY ●	PINT £3.65
STEAMHOUSE ●●	PINT £4.90
BEAVERTOWN GAMMA RAY ●	PINT £5.80
CAMDEN PALE ALE ●	PINT £4.70
BIG HUG JUICY PALE ●	PINT £5.20
BREWDOG VAGABOND ●●	.330ML £4.50
LONDON BEER FACTORY DOUBLE APA ●	.330ML £4.95
SIERRA NEVADA PALE ALE ●	.350ML £4.25
TINY REBEL CLWB TROPICANA	.330ML £4.50
BROOKLYN SORACHI ACE ●	.355ML £5.20

BELGIAN STYLE ALE

TONGERLO BLOND	PINT £5.95
BELLEROSE	.330ML £4.75
LA CHOUFFE SOLEIL ●	.330ML £5.50
DUVEL TRIPEL HOP ●	.330ML £6.05
TIMMERMANS OUDE GUEUZE ●	.375ML £6.85
WESTMALLE DUBBEL ●	.330ML £4.60
WESTMALLE TRIPEL ●	.330ML £6.05

IPA

PRINCE RANJI ●	PINT £4.50
YEASTIE BOYS DIGITAL IPA ●	PINT £5.05
REDCHURCH GREAT EASTERN IPA ●	PINT £5.75
BEAVERTOWN NECK OIL ●	.330ML £4.15
MAGIC ROCK CANNONBALL ●	.330ML £4.75
MAGIC ROCK HIGHWIRE GRAPEFRUIT ●	.330ML £4.75
STAGGERSAURUS IPA ●	.440ML £5.20
HOWLING HOPS NEW ENGLAND SPECIAL ●	.330ML £5.25
FIRST CHOP BLACK JAGGERY IPA ●	.330ML £4.50

ENGLISH STYLE ALE

PINECLIFF ●	PINT £3.35
EMPIRE SUN ●	PINT £4.00

WOOD-AGED & SMOKED

INNIS & GUNN BLOOD RED SKY ●	PINT £4.95
INNIS & GUNN ORIGINAL ●	.330ML £4.50
SCHLENKERLA SMOKED BEER	.500ML £5.70

LAGER

LEGEND LAGER ●●	PINT £4.60
HOWLING HOPS DAS KOOLSCH ●	PINT £4.95
HÜRLIMANN ●	PINT £4.60
ORANJEBOOM ●	PINT £3.80
SAM ADAMS BOSTON LAGER ●	PINT £4.70
AUGUSTINER EDELSTOFF ●	.500ML £5.35
FRUH KOLSCH	.500ML £4.55
HOP STUFF UNFILTERED PILS ●	.330ML £4.10
KROMBACHER DARK ●	.500ML £4.50
MONGOZO PILS ●●	.330ML £5.20
SADLERS CITRUS TIDE ●●	.330ML £4.50

CIDER

ASPALL SUFFOLK DRAUGHT ●●	PINT £4.40
ORCHARD PIG STILL CIDER	PINT
HAWKES MIXED BERRY ●●	PINT £5.15
COTSWOLD CIDER CO BLOWHORN ●●	.500ML £4.90
COTSWOLD CIDER CO NO BRAINER ●●	.500ML £4.90
COTSWOLD CIDER CO SWEET CHEEKS ●●	.500ML £4.90
ST LOUIS DRY HOPPED CIDER ●●	.330ML £4.25
CURIOUS APPLE WITH RUBENS ●	.330ML £3.95

STOUT & PORTER

TRILOGY ●●	PINT £4.50
REDCHURCH FORD EXPORT STOUT ●	.330ML £4.60
WYLAM MACCHIATO	.330ML £4.60
FIRST CHOP VANILLA OATMEAL STOUT ●	.330ML £4.35
BROOKLYN CHOCOLATE STOUT ●	.355ML £5.80
TAILGATE PEANUT BUTTER STOUT	.355ML £4.40

WHEAT, FRUIT & SOUR BEER

WEIHENSTEPHANER HEFE WEISSBIER ●	PINT £5.20
EINSTÖK WHITE ALE	.330ML £4.25
ERDINGER DUNKEL ●	.500ML £5.15
WEIHENSTEPHANER VITUS ●	.500ML £5.80
YEASTIE BOYS WHITE NOISE ●	.355ML £4.15
TIMMERMANS FRAMBOISE ●	.330ML £4.75
TIMMERMAN'S PECHE ●	.330ML £4.75
PETRUS AGED RED (SOUR BEER) ●	.330ML £5.80
SIREN CALYPSO (SOUR BEER) ●	.330ML £4.50

OUR WINES

WHITE

DRY, FRESH & ZESTY

Trebbiano Garganega 4.45 ... 5.95 ... 16.50
Ponte Pietra, Veneto, Italy *Light & versatile with a touch of almond blossom.*

Sauvignon Blanc 4.90 ... 6.60 ... 18.50
Chateau Los Boldos, Chile *Delicate & very quaffable with lovely citrus fruit.*

Pinot Grigio 4.95 ... 6.75 ... 19.25
Alpha Zeta, Veneto, Italy *Beautifully balanced with ripe peach & pear.*

Picpoul de Pinet 22.25
Baron de Badassière, France *The Southern French party wine! Crisp & moreish*

New Zealand Sauvignon Blanc 26.75
Ribbonwood, Marlborough, NZ *Ripe gooseberry & stony mineral notes.*

FULLER FLAVOURED & ROUNDED

Chenin Blanc 19.25
Liberty Fairtrade, South Africa *Ripe, tropical flavours of lush pineapple.*

Unocaked Adelaide Chardonnay 5.20 ... 6.80 ... 21.25
16 Stops, South Australia *Wonderfully fruit-driven & not a hint of oak.*

ROSÉ

Rosé de Syrah 4.75 ... 6.15 ... 17.75
Les Vignes de l'Eglise, Pays d'Oc, France *Dry, well balanced with strawberry & cassis.*

Pinot Grigio Rosato 4.95 ... 6.65 ... 20.75
Cantina di Monteforte, Veneto, Italy *Dry & delicate with a hint of cherries.*

RED

LIGHT, JUICY & SUPPLE

Rosso Veronese 4.45 ... 5.85 ... 16.95
Pergolino, Veneto, Italy *Soft, approachable & very easy to drink.*

Organic Merlot 5.25 ... 6.95 ... 20.35
Montañar, Spain *Dark plums, berry fruit & silky tannins - delicious.*

Rioja Crianza 25.25
El Coto, Rioja, Spain *Spain's favourite Rioja - and ours!*

Pinot Noir 25.25
Montes Limited Selection, Chile *Soft & delicate with gorgeous red berry fruit.*

ROBUST & SPICY

Syrah 4.65 ... 6.15 ... 17.75
Passo del Tempio, Italy *Rounded, ripe & sumptuous - wonderful with all meat dishes*

Côtes-du-Rhône 21.65
Les Terres du Roy, France *Smooth & versatile with ripe blackcurrants.*

Reserve Malbec 5.95 ... 7.85 ... 23.25
Kaiken, Mendoza, Argentina *Velvety spice ... the perfect partner to red meats.*

CHAMPAGNE AND SPARKLING

Prosecco Spumante NV 20cl Bottle 7.50 Bottle 23.25
Ca di Alte, Veneto, Italy *Fresh & dry with floral notes of pear.*

Devaux Grande Réserve Champagne NV Bottle 44.00
Bar-sur-Seine, France *Lovely Pinot Noir richness - a real treat.*

Devaux Cuvée Rosé Champagne NV Bottle 58.00
Bar-sur-Seine, France *Beautiful raspberry, strawberry & hazelnut notes.*

125ML MEASURE IS AVAILABLE ON REQUEST

DSG/PB2

APPENDIX 2



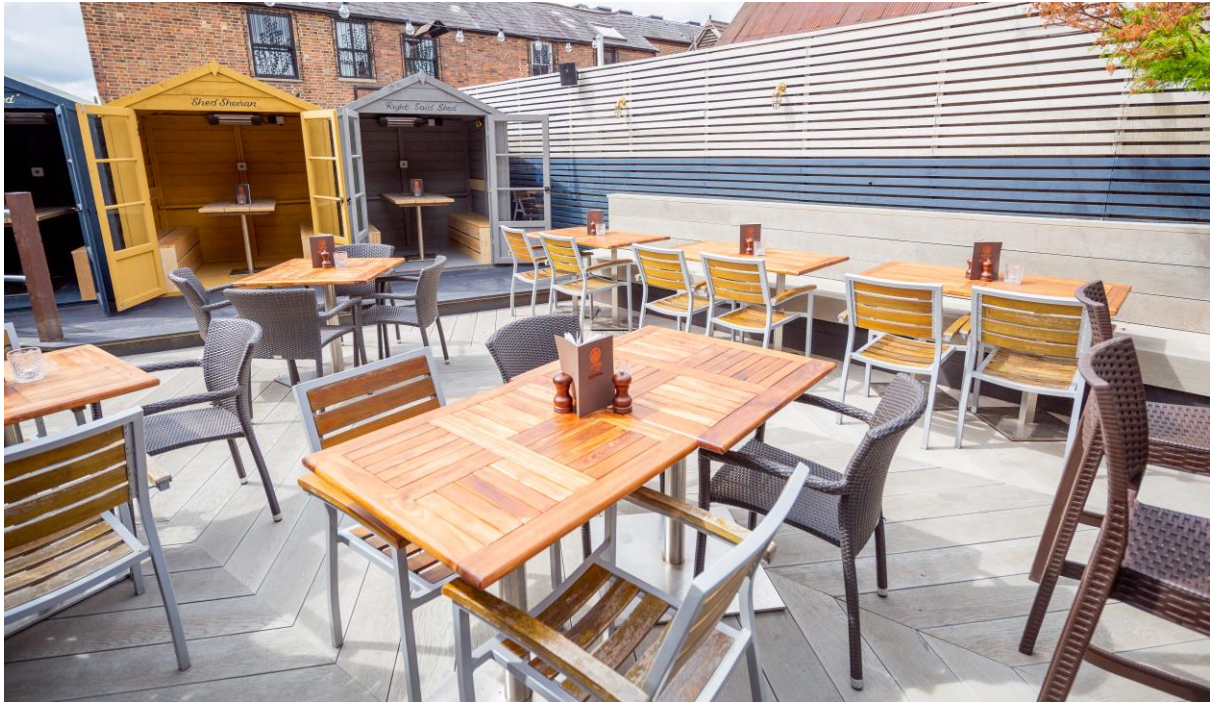






APPENDIX 3





APPENDIX 4



27 November 2018

Our Ref: NMM/B00312-0077

BY EMAIL ONLY

Email:

Dear Local Resident,

Brewhouse and Kitchen, 51 Southsea Terrace, Southsea, Hants PO5 3AU (the "Premises")

Thank you for your recent representation in respect of the Premises.

By way of introduction, we act for the applicant, Brewhouse and Kitchen. We have been instructed to write to you as there appears to be some confusion as to the nature of the application. To clarify, the application is only to permit a much needed refurbishment. A list of the proposed alterations are as follows:

1. removal of the existing gents toilet to increase the size of the kitchen to allow a more substantial and better quality food offer;
2. installation of a new 'walk in' fridge in the yard area for food storage;
3. installation of new micro-brewery;
4. construction of two booth seats;
5. installation of a new 'firepit' style table;
6. extension of the raised area to the western boundary;
7. formation of a new gents toilet in location of existing disabled toilet;
8. installation of a disabled toilet in part of existing ladies toilet;
9. extension of the external decking area; and
10. replacement of the existing external bar.

No application has been made to extend the hours of operation either inside or in the garden, nor is there an application for an additional outside bar. This can be confirmed by Portsmouth Council. Whilst the Premises has always had a 1.00/2.00 a.m. terminal hour on its licence, to our knowledge these hours have not been traded and it is not our client's intention to do so. Nevertheless, in order to reassure you further, our client is happy to proffer the following condition:

'No drinks shall be taken outside after 11 p.m. Sunday to Thursday and midnight Friday and Saturday.'

30 Portland Place
London W1B 1LZ

T +44 (0) 20 7580 5721
F +44 (0) 20 7580 2251
DX 83301 West End 2

info@joelsonlaw.com
joelsonlaw.com

Joelson is the trading name of Joelson JD LLP, a limited liability partnership registered in England and Wales Reg No. OC343770 at the above address.
Authorised and Regulated by the Solicitors Regulation Authority No. 509649. The word 'partner' is used to refer to a member of the LLP. A list of members is available at the above address.

—

The current premises licence has no restrictions on the use of the garden. For your information the proposed management policy for the garden is also attached.

It is hoped that the refurbished Premises will be a considerable asset to the local community. Whilst our client has a number of brewhouses across the county, its first one was in Portsmouth. It took over a notoriously difficult pub on Guildhall Walk in 2013 and transformed it. In 2014 our client won Portsmouth Council's "Shaping the future of Portsmouth" award in recognition of its work improving the image of Guildhall Walk and for its focus on the skills of its employees. The applicant's premises are also shaped by the clientele they attract. In addition to a substantial and high quality food offer, its pubs offer Brewery Experience Days and Beer/Gin Masterclasses. Coupled with the fact that mainstream beers are not sold, the pubs attract mature patrons and families – not your typical 'larger lout'. Our client's General Manager and their family will be living onsite and will ensure that this is the case.

We hope the above appeases your concerns. If so, we should be most grateful if you would formally withdraw your representation. If representations are maintained our client and the council will not only have the expense of a licensing sub-committee hearing but the reopening of the refurbished Premises will also be delayed. If you still have concerns or would like to meet with the General Manager and/or Operations Manager please contact the author of this letter, Niall McCann, at niall.m@joelsonlaw.com so meeting arrangements can be made or any questions answered.

Yours faithfully,



JOELSON JD LLP

Enc



BREWHOUSE
AND KITCHEN

Brewhouse and Kitchen Southsea - Garden Policy

Hours of use

- The garden will open between 10:00 to 23:00 Sunday to Thursday and 10:00 to midnight on Friday and Saturday.
- Customers in the garden are to be informed of closure from 22:30 Sunday to Thursday and 23:30 on Friday and Saturday in that consumption of drinks and eating is not permitted after the garden closes and they are to move inside.
- The Garden use will be for smokers in small groups only from 23:00 on Sunday to Thursday and midnight on Friday and Saturday.
- Signage will confirm this within the area and the requirement to respect our Neighbours.

Comments

- Any members of the public wishing to make comment about the garden are to be immediately referred to the manager on duty who will record their in the comments book (logging their name, address, email and telephone) passing onto senior MGT if requested.

Litter

- Keep garden area clean and tidy at all times paying particular care of litter on the floor and tables to prevent it being blown any further out of the area onto the road. Bins are to be used, checked and emptied regularly.

Noise Management

- Monitor rowdier/louder customers to keep noise to a minimum, informing them that we are in a residential area and that we would not want to disturb our neighbour's. Management team to log any instances of substantial noise and where appropriate ask patrons to quieten down, move inside or leave the premises.
- Contract to be made with our immediate Neighbours so that any concerns can be immediately addressed and resolved.

Security and Surveillance

- We have installed CCTV of which 3 x Cameras cover the Garden at all times and can be monitored so that any incidents or unwanted activities can be acted on immediately

Brewhouse and Kitchen Ltd, Office Above The Pub, 2a Corsica Street, London, N5 1JJ

T: +44 (0) 207 354 3761 E: enquiries@brewhouseandkitchen.com www.brewhouseandkitchen.com

VAT No: 124125947 Company Reg No: 07769260

APPENDIX 5

Marilyn Gayle

From: ALASTAIR RITCHIE <alastairritchie@yahoo.co.uk>
Sent: 28 November 2018 00:58
To: Debra Robson
Cc: licensing@portsmouthcc.gov.uk; force.licensing@hampshire.pnn.police.uk; pubprot@portsmouthcc.gov.uk; planning@portsmouthcc.gov.uk; Planning Reps Shared Email; Wood Rob (Cllr); Niall McCann; Marilyn Gayle
Subject: OBJECTION : LICENCE APPLICATION LAPREM/5537 AND 18/03853 LAPREM
Attachments: Letter to Mr Ritchie 27.11.18.pdf; Garden Policy.pdf

Dear Debra,

Please find attached letters received from the Applicants legal firm for your information.

These letters are welcomed, my OBJECTION letter of 23rd November 2018 will not be withdrawn as I believe your Department must "legalise" the contents of these letters to ensure that we, as residents of this neighbourhood, are protected and should the terms of the licence be broken we have proper and enforceable grounds for complaint.

I would point out that Mr. McCann is not quite correct, as part of the planning application, an additional external Kitchen and Bar is sought to be approved. I am also concerned that it is proposed to seat some 218 patrons externally, this is going to produce an amazing amount of disturbing noise with each table vying to hear over each other; a maximum of external seating I believe should also be defined in this licence to protect this residential area. Finally where are all the cars belonging to these patrons to be parked, the applicant does not say nor proffers the provision of spaces for his clients. As residents we pay for our parking surely it is now time for the hostellers in this area to pay for parking spaces their clients will occupy particularly those hoping to seat such large numbers of people.

One further comment - the provision of Beach Cabins, with no windows in this lavish external terrace with good views out to the Common, is most unusual, imagine sitting with your other 5 mates drinking and smoking away in this confined hot space; curious!!! Do you legislate against this form of Sauna hospitality?

Thank you.

Regards.

Alastair Ritchie

CAUTION EXTERNAL EMAIL: This message originated outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Agenda Item 4

REPORT TO: LICENSING SUB-COMMITTEE

18th December 2018

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR DEREK STONE

Licensing Act 2003 - Review Application - Oxygen, 3 Portsmouth Road, Portsmouth, PO6 2SG

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

Oxygen, 3 Portsmouth Road, Portsmouth, PO6 2SG.

The holder of the authorisation is recorded as Mr Jose Antony Santiapillai.

2. THE REVIEW APPLICANT

The application and grounds for the review are attached as **Appendix A** and has been submitted by Trading Standards Officer Tracey Greaves and relates to the following licensing objectives:

- Protection of children from harm

This follows two failed juvenile test purchases at the premises and failings in relation to how the premises are managed in support of this licensing objective.

3. BACKGROUND INFORMATION

Oxygen is located at 3 Portsmouth Road, Cosham close to Cosham railway station.

A copy of the current authorisation is attached as **Appendix B**.

Officer note:

There is a history regarding issues at these premises. Attached at Appendix C is a final written warning letter regarding various breaches with a prosecution of the owner Mr Santiapillai in 2016 at Portsmouth Magistrates Courts for four breaches of his premises licence conditions contrary to section 136 (1) (b) of the licensing act 2003

In accordance with the act and prescribed regulations, public notice of the review application was given both at the premises and also at the Civic Offices. In addition, a notice of the review application was also posted on the council website.

The review application was also served on the responsible authorities.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

A further representation has been received from The Chief Officer of Police for Hampshire Constabulary on the grounds of Protection of Children from Harm and the Prevention of Crime and Disorder. This representation is submitted by PC Rackham and is attached as **Appendix D**.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the review application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

The Statutory Guidance provides advice in relation to the consideration of review applications. In particular, members should have regard to the following advice:

Paragraph 11.1 - *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 - *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."*

Paragraph 11.10 - *"Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they*

need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."

Paragraph 11.16 - *"The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."*

In reaching a decision upon a review application, the guidance offers assistance to the licensing authority as follows:

Paragraph 11.17 - *"The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder."*

Paragraph 11.18 - *"However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."*

Paragraph 11.19 - *"Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence."*

Paragraph 11.20 - *"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."*

Paragraph 11.21 - *"For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual."*

Paragraph 11.22 - *"Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."*

Paragraph 11.23 - *"Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again."*

However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

An appeal against any punitive sanctions may be made within 21 days of the authorisation holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

- The applicant for the review;
- the holder of the premises licence or club premises authorisation; or
- any other person who made relevant representations in relation to the application.

The decision of the committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until any submitted appeal is disposed of.

7. APPENDICES

- A.** Copy of the redacted review application together with any supporting documents
- B.** Copy of the current authorisation to include location plan
- C.** Information re breaches and court appearance
- D.** Copies of any other relevant representations received

THE COMMITTEE IS REQUESTED TO DETERMINE THE REVIEW APPLICATION



MR DEREK STONE

For Licensing Manager
And on behalf of Head of Service

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

(Insert name of applicant)

Tracey GREAVES

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Oxygen 3 Portsmouth Road

Post town

Cosham

Post code

PO6 2SG

Name of premises licence holder or club holding club premises certificate (if known)

Mr Jose Antony SANTIAPILLAI

Number of premises licence or club premises certificate (if known)

15/03238/LAPREM

Part 2 – Applicant details	
I am	Please tick <input checked="" type="checkbox"/> yes
1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)	
2) a responsible authority (please complete (C) below)	X
3) a member of the club to which this application relates (please complete (A) below)	

(A) INDIVIDUAL APPLICANTS (fill in as applicable)									
Please tick <input checked="" type="checkbox"/> yes									
Mr		Mrs		Miss		Ms		Other title (for example, Rev)	
Surname					First names				
I am 18 years old or over								(Please tick <input checked="" type="checkbox"/> yes)	
Current postal address if different from premises address									
Post town					Post code				
Daytime contact telephone number									
Email address									
Post Town					Post Code				

(B) DETAILS OF OTHER APPLICANT
Name and address
Telephone number (if any)
Email address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT
Name and address
Tracey GREAVES - Trading Standards Officer (Alcohol & Tobacco Harm Reduction) Portsmouth City Council Civic Offices Guildhall Square Portsmouth PO1 2AL
Telephone number (if any) 023 9243 7977
E-mail address (optional) :

This application to review relates to the following licensing objective(s)	
Please tick one or more boxes ✓	
1) the prevention of crime and disorder	
2) public safety	
3) the prevention of public nuisance	
4) the protection of children from harm	X

Please state the ground(s) for review (please read guidance note 2)
Trading Standards is submitting this application for a review of the Premises Licence currently held by Oxygen, 3 Portsmouth Road, Cosham on the following grounds: Protection of Children from Harm This is following two juvenile Test Purchase failures and issues regarding staff training which calls in to question the ability of the premises management to support the Protection of Children from Harm licensing objective.

The first failed juvenile test purchase (alcohol) operation was carried out by Trading Standards on 16th July 2018; an employee served a test purchase operative of 16 years, 11 months and 13 days old. The second failure occurred on the 15th October 2018; the Premises Licence Holder and Designated Premises Supervisor served a younger male test purchase volunteer of 16 years, 2 months and 24 days old.

Please provide as much information as possible to support the application (please read guidance note 3)

Oxygen is an off licence, newsagent and convenience store situated in Portsmouth Road, Cosham. It currently has a Premises Licence with licensable activity authorised 05.30 - 23.00 Monday to Sunday.

The holder of the Premises Licence is Mr Jose Antony SANTIAPILLAI who is also the Designated Premises Supervisor (DPS) and the business operator and owner.

Intelligence was received from Hampshire Constabulary that two 15 year olds had purchased alcohol from Oxygen. The till operative in the store did not ask for ID. They managed to buy a bottle of Whiskey, bottle of Vodka, bottle of Apple Sours and a crate of Beer

Monday 16th July 2018 Trading Standards carried out a Test Purchase Operation. The Oxygen Newsagents and Off Licence was visited. A 16 year old female test purchase operative was sent into the premises. The test purchase operative was sold alcohol, a 750ml bottle of 11.5% vol Echo Falls Rose Wine by a member of staff at the Oxygen premises and as such the member of staff committed an offence under s146 Licensing Act 2003 - the sale of alcohol to a person under 18 years of age. This was observed by a plain clothed Police Officer Police Constable 512 Jason Pearce. The member of staff Mr [redacted] after the sale said that he thought the young person was 21 or 22. It was pointed out to him there was a poster regarding Challenge 25 in store. Mr [redacted] did not seem aware of this or was able to explain verbally what this meant. The covering manager, a Ms [redacted] was telephoned and she confirmed that Mr SANTIAPILLAI was in the Philippines for two weeks and would return to UK on 17th July 2018. Mr [redacted] was not issued with a Fixed Penalty Notice of £90.00 on the day as he said he had no ID upon his person, he stated that it was at home in London. Mr [redacted] said he had been working at the store for two weeks part-time as holiday cover. The Refusal Register was checked and the last refusal for alcohol recorded had been 26th May 2018. Copy witness statement of PC PEARCE is available in the Trading Standards bundle **Appendix JP1**

Thursday 19th July 2018 An appointment was made to return to the store on Thursday 19th July 2018 as Mr [redacted] said he was due to work his next shift on that Thursday. The DPS, Mr SANTIAPILLAI was contacted by Mrs Tracey GREAVES by telephone on the 17th and 18th of July to arrange and confirm to be present at the Oxygen premises for the meeting. Mr [redacted] failed to turn up for his shift at work for the meeting on Thursday 19th July 2018. Mr [redacted] has not responded to contact from Trading Standards to date. Mr SANTIAPILLAI stated that he had not had any contact from Mr [redacted] despite contacting his friend who employed Mr [redacted] in a London store previously. PC PEARCE requested to view any employment contract details for Mr [redacted] but Mr SANTIAPILLAI could not produce any. PC PEARCE requested to see the staff training records, authorisation to sell and supply alcohol, and to view CCTV footage. It was when viewing the written training assessments produced that PC PEARCE noted the similarity of the writing on the assessment sheets, particularly for Mr [redacted] and the exact same format of wording in the replies to questions and the same spelling mistakes. Copy training sheets can be seen in the Trading Standards bundle at **Appendix TG1**. In the training questionnaire dated 5th July 2018 Mr [redacted]

response to What is Challenge 25? was satisfactory; 'If someone like under 25 they must prove they are over 18 years of age' yet on 16th July 2018 he showed no competency with what he understood by Challenge 25. Concern regarding these issues was raised with Mr SANTIAPILLAI. PC PEARCE requested that a selected sequence of CCTV be sent to himself or Trading Standards and that Mr SANTIAPILLAI contact himself or Mrs GREAVES at Trading Standards as soon as Mr made contact or returned to work so that an office appointment could be set and the fine could be issued to the seller Mr Copy witness statement available in the Trading Standards bundle as **Appendix JP1**.

Mr SANTIAPILLAI has said he was unable to make any contact with Mr | and that Mr | has not worked for at Oxygen or his friend in London since so the £90.00 fine was not issued.

Monday 15th October 2018 Trading Standards performed a further Test Purchase Operation. A different 16 year old, a male test purchase operative entered the premises and this time was served alcohol, 4 cans of Coors Light Beers at 4% vol, by the DPS and Premises Licence holder Mr Jose Antony SANTIAPILLAI. Mr SANTIAPILLAI therefore committed offences under s146 Licensing Act 2003, the sale of alcohol to a person under 18 years of age. This was monitored by Mrs Tracey GREAVES a Trading Standards Officer. When speaking to Mr SANTIAPILLAI following the sale Mr SANTIAPILLAI was asked by Mrs GREAVES how old he thought the young person was, he asked if it was the guy with the cap and then said 23 or 24; it was said that he should still have asked for ID as the young person was not and does not look 25. Mr SANTIAPILLAI said I have Challenge 25. Mrs GREAVES said the TP operative was a true representation of his age group and he needed to keep challenging as some 15 year olds in schools have a full set of facial hair and Mr SANTIAPILLAI agreed yes, they have a full beard. Mr SANTIAPILLIA said he was a bit stressed; he was tired and had been working a long time. He wanted to know what would happen now. Mrs GREAVES advised that a return visit would be arranged with PC PEARCE to issue a £90.00 fine to him and as a second test purchase had failed within three months a review of the Premises Licence was a possible outcome.

Tuesday 16th October 2018 Mr SANTIAPILLAI emailed Trading Standards to say he was really sorry for his failures on alcohol tests saying, yesterday he was covered with hat and he misjudged him as a shoplifter, he asked him what is he looking for, he said he was looking for baked beans, then he came with beans, beer and rice and he made a mistake. Mr SANTIAPILLAI said he knew it was not his first time, he begged please for a chance if he could fix it. He would accept the penalty and if at the case it was decided to take his licence away then he asked please to be given time as he was with a local shop group and every week he received allocations on delivery, so he needed to inform them to stop. Mr SANTIAPILLAI said he has staff who only work two days, she is a Personal Licence holder would it be possible to change the DPS to her. Also he had taken on a new manager who had just passed his licensing course and was awaiting a CRB check, when he gets that he would apply for a Personal Licence. Mr SANTIAPILLAI said he was stressed and had family issues going on too. Without this business he didn't have anything. He said he was willing to meet any anytime and he accepted whatever decision was made on his case. Copy email available in the Trading Standards bundle as **Appendix TG2**

Thursday 18th October 2018 PC PEARCE and Mrs GREAVES re-visited the Oxygen store. Mr SANTIAPILLAI was issued a £90.00 fine. Copy witness statement available in the Trading Standards bundle as **Appendix JP1**. Mr SANTIAPILLIA said he accepted his failures and that he currently had some personal family issues. Whilst on the visit Mr SANTIAPILLAI was asked about his training process, did he teach verbally or have a video. Mr SANTIAPILLAI said he talks staff through it verbally. PC PEARCE asked about the test. Mr SANTIAPILLAI said they didn't have a test. It was asked if the questionnaire sheet was not a test of what had been learnt and understood. Mr SANTIAPILLAI said he did not give the questionnaire as a test he gives staff a copy of the answer sheet of others because he wanted to have good sheets, so he gives them

other employees sheets to see the right answers. Mr SANTIAPILLIA was asked if he allowed staff to help other staff to fill in the questionnaires. Mr SANTIAPILLAI said yes if their English is not very good. Mr SANTIAPILLAI said he would do anything to sort this out.

Whilst the premises has conditions on the Premises Licence to promote the Protection of Children from Harm licensing objective such as:-

Annex 2 - 02 The licence holder shall ensure that all members of staff are informed on the objectives of the Licensing Act 2003 and the statutory requirements in order to ensure compliance with all relevant provisions of the Act.

Annex 2 - 03 All staff must receive comprehensive training in relation to age restricted products and the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training. Training shall cover: (a) Sale of alcohol to persons under 18 (b) Challenge 25 and acceptable forms of identification (c) Signs of drunkenness (d) Refusal Register and when/how to use (e) The licensing objectives This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individual's training records on request

Annex 2 - 04 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be a valid Passport with hologram; valid Military ID bearing date of birth; valid UK photo card Driving Licence or PASS approved ID.

There have still been two sales of alcohol to persons aged 16 despite this.

With two test purchase failures it could be that Trading Standards would work with the business but due to the nature of the failures:

- the disappearance of seller one
- seller two being the DPS (The role of a DPS is be in day to day control of the business, be the main point of accountability, ensure the premises operates legally (and must hold a personal licence)).
- the lack of training
- valueless training documents
- Mr SANTIAPILLAI's admissions regarding the failures
- employment of Mr I without the necessary checks
- previous prosecution in June 2016 by Licensing Service Portsmouth City Council

there was no option than to bring the matter before the panel.

Trading Standards would respectfully ask the Licensing Committee to consider:-

- 1) **Revocation of the Premises Licence** - This will undoubtedly prevent any further sales of alcohol to under 18s and further breaches of the Premises Licence conditions. Indeed the guidance provided under the Licensing Act 2003 would ask you to seriously consider this in the first instance, due to the holders overall failings to operate the premises in line with the licence requirements, licensing objectives and Portsmouth's licensing policy. Should the Committee decide to revoke the licence it is both proportionate and necessary to the problems that are reoccurring at the premises.
- 2) **Removal of the DPS** - Due to a failure of the current DPS Mr Jose Antony SANTIAPILLAI himself to uphold the Licensing Objectives that he be removed as DPS. Mr SANTIAPILLIA did suggest a change of DPS in 16th October 2018 email. However, he would remain as the owner/manager and Premises Licence Holder and still be exercising control over the

business activities.

3) Suspend the Premises Licence - for a period of up to three months. This would allow a period of time for the premises licence holder to retrain all staff members to be fully aware of their responsibilities and implement any measures required by the Committee.

4) Every sale of alcohol to be made by Personal Licence Holder.

In addition, the following conditions to be enhanced as follows:-

5) Training - all staff engaged in the sale of alcohol to undertake a six monthly refresher training course or where there is an identified need to do so and this refresher training is to incorporate a written assessment be documented, signed for by the staff member and the training records are to be kept on site and available to authorised officers.

6) ID all alcohol sales - Place a condition on the Premises Licence that every sale of alcohol requires a person to provide a form of ID. This would ensure that every staff member making a sale would have to check the ID of a customer and would remove the necessity for staff to assess the customers age.

Please tick <input checked="" type="checkbox"/> yes							
Have you made an application for review relating to the premises before?							
If yes, please state the date of that application							
		Day	Month		Year		

If you have made representations before relating to the premises please state what they were and when you made them

Please tick <input checked="" type="checkbox"/> yes	
<ul style="list-style-type: none">I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	
<ul style="list-style-type: none">I understand that if I do not comply with the above requirements my application will be rejected.	
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION	
Part 3 – Signatures (please read guidance note 4)	

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 5). If signing on behalf of the applicant please state in what capacity.	
Signature	
Date	23 rd October 2018
Capacity	Trading Standards Officer (Alcohol & Tobacco Harm Reduction)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by email, your email address (optional)			

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Portsmouth
CITY COUNCIL

PORTSMOUTH CITY COUNCIL

TRADING STANDARDS SERVICE

DOCUMENTARY APPENDIX

Case Ref: Oxygen, 3 Portsmouth Road

Appendix No: JP1

Description: Witness Statement

Time/Date/Produced: 19/10/2018

Where Produced: Civic Offices, Guildhall Square, Portsmouth

Produced By: Tracey Greaves

Signed:

Witness Statement

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Court Act 1980. s.5B

Statement Of: Jason Pearce

URN:

Age (If Under 18): Over 18

Occupation: Police Officer

1 19/10/2018 10:26:

I am Police Constable 512 Jason Pearce. I currently work within the Hampshire Police Licensing team. My day to day responsibilities include the management and monitoring of licensed premises within Hampshire.

5

On the 16th July 2018 I was on duty supporting a Trading Standards led alcohol test purchase operation in the Portsmouth area. I was working in the company of Tracey Greaves (TS) and Rob Anderson-Weaver (Public Health). A 16 year old female was used as the test purchaser, supplied by Tracey Greaves.

10

At 1920 that day Oxygen convenience store, 3 Portsmouth Rd, Cosham, PO6 2SG was tested. I was inside the shop monitoring the test. I saw the 16 year old walk to the till with a bottle of Echo Falls Rose Wine (11.5%). The seller was an Asian male who was the lone worker at the shop. He did not ask the 16 year old for ID and completed the transaction, selling the wine to her.

15

When the 16 year old had left the store I identified myself to the seller and explained what I had seen. I then reported and cautioned him for selling alcohol to a person under 18. I requested his details which were given as

20

He did not have any identification on him and said that the DPS, Mr SANTIAPILLAI was abroad at present. Mr stated that he had not had formal training regarding alcohol sales and was not aware of 'challenge 25'.

I spoke to the covering manager on the phone whilst at the store but was unable to gain any further information about the training aspect. Consequently due to Mr having no ID and his claims regarding lack of training, he was not suitable for a Fixed penalty Notice (£90 fine) at the time. Although he had committed an offence and had no ID, it was also not proportionate to arrest him. I advised him that he may receive a £90 fine to pay but if he did not attend a future planned meeting to resolve this issue he would become a wanted person.

25

30

Arrangements were made by Tracey Greaves for a meeting with the DPS Mr SANTIAPILLAI along with Mr at Oxygen, 3 Portsmouth Road on the 19th July when the DPS had returned.

35

Witness Statement

Statement Of: Jason Pearce

URN:

On 19th July myself and Tracey Greaves attended the store where we spoke to the DPS Mr SANTAIPILLAI. He advised that Mr was not present as he had failed to turn up for work and was unable to be contacted.

- 40 I advised Mr SANTAIPILLIA that this looked very bad on his part and asked to view employment documents and / or tax records to prove Mr was a bona-fide employee. Mr SANTAIPILLIA could not provide these details or any satisfactory explanation which led me to believe that Mr was illegally employed, possibly an illegal immigrant. Mr SANTAIPILLIA would have known this and I suspect he has chosen to not assist with
- 45 locating Mr |

- Whilst we were at the shop we inspected the staff training records. These gave cause for concern regarding Mr SANTAIPILLIA's management of the premises. It was apparent that staff training documents had the same handwriting and also the exact same wording to
- 50 questions which would not have been possible. It appeared that these documents were false documents to show apparent compliance of licensing requirements. It appeared to me that the management must have written the answers for their staff.

- Tracey Greaves took possession of these records which are available for anyone to draw
- 55 their own conclusions.

At this stage, as this was a Trading Standards led operation, it was left for Tracey Greaves to progress future engagement / intervention.

- 60 I was advised that a second test purchase operation took place on the 15th October 2018 led by Tracey Greaves of Trading Standards. I was advised that this test was also failed with the seller being the DPS Mr SANTAIPILLIA who did not ask for ID from a 16 year old lad.

- I returned to the premises on the 18th october 2018 along with Tracey Greaves. We spoke
- 65 to Mr SANTAIPILLIA who accepted his guilt. I 'reported' and 'cautioned' him regarding the offence committed on the 15th October. I explained and offered him a 'fixed penalty fine as an option. He accepted this. I issued him with a Hampshire Police fixed penalty notice (PND) number 60590025. He is required to pay £90 within 21 days. Details are recorded on the Police RMS system under occurrence number 4415053519. I can produce a copy of this
- 70 fixed penalty notice which was signed by Mr SANTAIPILLIA as exhibit JP/JS/1.

Whilst we were visiting the shop on the 18th October we discussed the issue of staff training records with Mr SANTAIPILLIA. When asked about why several were of the same

Witness Statement

Statement Of: Jason Pearce

URN:

handwriting and the 'same sentence answers to questions' he said that he gives staff
75 members other staff members training questionnaires and sometimes it is filled out for them.
Clearly this is extremely poor management and a key self inflicted factor of why the premises
has been failing test purchase tests.

All roads to these failings and lack of compliance lead to Mr SANTAIPILLIA.

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true

Signature Witness: Digitally signed

Date: 19/10/2018 14:01

Witness To Signature: N/A

Date: N/A

Statement Started 19/10/2018 10:26

Statement Completed 19/10/2018 14:01

PORTSMOUTH CITY COUNCIL

TRADING STANDARDS SERVICE

DOCUMENTARY APPENDIX

Case Ref: Oxygen, 3 Portsmouth Road

Appendix No: TG1

Description: Copy Training Questionnaires

Time/Date/Produced: 19/07/2018

Where Produced: Civic Offices, Guildhall Square, Portsmouth

Produced By: Tracey Greaves

Signed:

Off Licence Training Questionnaire

1. Who is the DPS of your site?
JOSE.....SANTIA PILATI.....
2. What is the premise Licence?
A licence required by a business for it to be able to carry
licenable activities as specified in the license.
3. What is Challenge 25?
If someone like under 25 they must prove year of age are over 18
4. What are the hours your store is allowed to sell alcohol?
On the premises licence 5:30 am to 11:00 pm
5. If a sale of alcohol is refused where this should be recorded?
The refusals book / log
6. Where can the customer consume his/her alcohol?
off the premises
7. What are the approved forms of identification that you may accept?
passport, photo driving licence, pass card, validated card
8. What is the fixed penalty fine for the cashier making selling offence?
£90 on the spot fine
9. If you fail a test purchase who should you inform and when?
The dps, who then needs to contact
10. If you are in any doubt of the validity of the identification or are still unsure of the customer's age what should you do?
Refuse the sale and record the details
11. What are the 4 licencing objectives?
public safety
Prevention of public nuisance
Prevention of crime and disorder
Prevention of children from harm

Name : |

Date : 30.01.18

Signature: |

Training given by: Jose

Off Licence Training Questionnaire

1. Who is the DPS of your site?
JOSE SANTIAPILLA
2. What is the premise Licence?
A licence required by a business for it to be able to carry out only licenable activities as specified in the licence
3. What is Challenge 25?
If someone is under 25 they must prove they are over 18
4. What are the hours your store is allowed to sell alcohol?
year to age
On the premises licence 5:30 a.m. to 11:00 p.m.
5. If a sale of alcohol is refused where this should be recorded?
The refusible book log
6. Where can the customer consume his/her alcohol?
off the premises
7. What are the approved forms of identification that you may accept?
Passport, photo driving licence, pass age card
8. What is the fixed penalty fine for the cashier making selling offence?
£90.00 on the spot fine
9. If you fail a test purchase who should you inform and when?
The DPS, who then needs to contact
10. If you are in any doubt of the validity of the identification or are still unsure of the customer's age what should you do?
Refuse the sale and record the details
11. What are the 4 licencing objectives?
Prevention of crime and disorder
Public safety
Prevention of children from harm
Prevention of public nuisance

Name :

Date : 05/07/18

Signature:

Training given by:

Off Licence Training Questionnaire

1. Who is the DPS of your site?
JOSE SANTIA PILLAI
2. What is the premise Licence?
A licence required by a business for it to be able to carry out only licensable activities as specified in the licence.
3. What is Challenge 25?
If someone looks under 25 they must prove they are over 18 years of age.
4. What are the hours your store is allowed to sell alcohol?
On the premises licence 5:30 A.M. to 11:00 P.M.
5. If a sale of alcohol is refused where this should be recorded?
The refusals book / log
6. Where can the customer consume his/her alcohol?
off the premises
7. What are the approved forms of identification that you may accept?
Passport, photo driving licence, Pass accredited card
8. What is the fixed penalty fine for the cashier making selling offence?
A 90 on the spot fine
9. If you fail a test purchase who should you inform and when?
The DPS, who then needs to contact
10. If you are in any doubt of the validity of the identification or are still unsure of the customer's age what should you do?
Refuse the sale and record the details
11. What are the 4 licencing objectives?
Prevention of crime and disorder
Public safety
Prevention of children from harms
Prevention of public nuisance

Name :

Date : 17.01.17

Signature:

Training given by:

PORTSMOUTH CITY COUNCIL**TRADING STANDARDS SERVICE****DOCUMENTARY APPENDIX**

Case Ref: Oxygen, 3 Portsmouth Road

Appendix No: TG2

Description: Copy email Mr SANTIAPILLAI to Mrs GREAVES

Time/Date/Produced: 16/10/2018

Where Produced: Civic Offices, Guildhall Square, Portsmouth

Produced By: Tracey Greaves

Signed:

Greaves, Tracey

From: jose santiapillai
Sent: 16 October 2018 11:24
To: Greaves, Tracey
Subject: Oxygen

Dear Tracey

I really sorry for my failures on alcohol tests. Yesterday he was covered with hat and i misjudge him was a shoplifter, i asked him what is he looking for, he said that he was looking for baked beans, then he came with beans beer and rice and i made a mistake. I know that it is not my first time. I really beg you a chance if i can fix it please.

Also i accept the penalty and if the case you decided to take away my License would you give me time please. I am with shop local group and every week i receive allacations on delivery. So i should inform them to stop.

I have a staff work only two days she is a personal licence holder, is it possible i can apply for change of dps on her. Also i took new manager he just passed his Licensing course and waiting for CRB check. Once he gets his he will apply for personal licence.

I am stressed and i have family issues going on too. Without this business i don't have any with me. I am willing to meet you and officer any time. I accept whatever decision you make on my case.

Many thanks

Kindly regards

Jose santiapillai

Portsmouth
CITY COUNCIL**PREMISES LICENCE**
Licensing Act 2003**Part 1 – Premises Details****Postal address of premises, or if none, ordnance survey map reference or description****Address:** Off-Licence
3 Portsmouth Road
Portsmouth
PO6 2SG**Map Ref (E) :** 465739
Map Ref (N): 105106
UPRN: 001775065612

Telephone

Where the licence is time limited the datesThis licence is **NOT** time limited**Licensable activities authorised by the licence**

► Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities► Sale by retail of alcohol
Monday to Sunday 05:30 until 23:00**Non standard timing - Sale by retail of alcohol**Christmas Day 10:00 - 18:00
Good Friday 10:00 - 23:00
These timings also apply to the hours of opening and closing**The opening hours of the premises**

► Monday to Sunday 05:30 until 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off suppliesAlcohol is supplied for consumption **off** the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence****Name:** Mr Jose Antony Santiapillai**Address:** [REDACTED]**Telephone:** [REDACTED]**Email:****Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol****Name:** Mr Jose Antony Santiapillai**Address:** [REDACTED]**Telephone:****Email:****Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol****Personal Licence No:** [REDACTED]**Issuing Authority:** Lewisham London Borough Council**Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder****Date Licence granted:** 3 June 2015**Date last amended:** 3 June 2015**Type:** New

[REDACTED]

Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council is committed to complying with the Freedom of Information Act 2000 (FOIA) which applies to all recorded information that it holds or is held on its behalf. Information that is provided to or held by the City Council will be processed and disclosed strictly in accordance with the FOIA, the Data Protection Act 1998 or other appropriate legislation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information go to www.portsmouth.gov.uk and search for 'National Fraud Initiative'.

Annex 1 – Mandatory Conditions

01 No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

02 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

03 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

04 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --

Annex 2 – Conditions consistent with the operating schedule

01 A recording CCTV system will be installed and fully operational at all times.
The recording equipment will be stored and operated in an environment where the public have no access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.
The system will be maintained and serviced within at least 12 monthly intervals
The system clock will be checked regularly for accuracy taking account of GMT and BST.
The CCTV system will have sufficient storage capacity for 31 days evidential quality pictures.
An additional recording CCTV camera shall be sited at the front of the store to cover the area immediately outside the venue.

Access

Police and authorised Officers of Portsmouth City Council shall have access to data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police. and to produce images to the police within six hours of a verbal request being made by Police Officers or PCSOS for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.

An operator's manual will be available to assist in replaying and exporting data (particularly important with digital systems).

The CCTV must remain satisfactory to the police licensing department responsible for the area and subject to police approval in order to remain operating under this premises licence.

02 The licence holder shall ensure that all members of staff are informed of the objectives of the Licensing Act 2003 and the statutory requirements in order to ensure compliance with all relevant provisions of the Act.

03 All staff must receive comprehensive training in relation to age restricted products and the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training. Training shall cover:

- (a) Sale of alcohol to persons under 18
- (b) Challenge 25 and acceptable forms of Identification
- (c) Signs of Drunkenness
- (d) Refusal register and when/how to use
- (e) The Licensing Objectives

This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individuals training records upon request.

04 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be a Valid Passport with hologram; Valid Military ID bearing date of birth, Valid UK Photo card Driving Licence or PASS approved ID.

05 No beers, ciders or lager over 6.5% shall be sold by retail excluding premium products as agreed, in advance in writing by the Police Licensing Unit.

06 A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local authority.

07 Spirits shall be kept behind the serving counter and not be made available by self selection.

08 There shall be no free standing stacks of alcohol on display.

-- END --

Annex 3 – Conditions attached after a hearing by the licensing authority

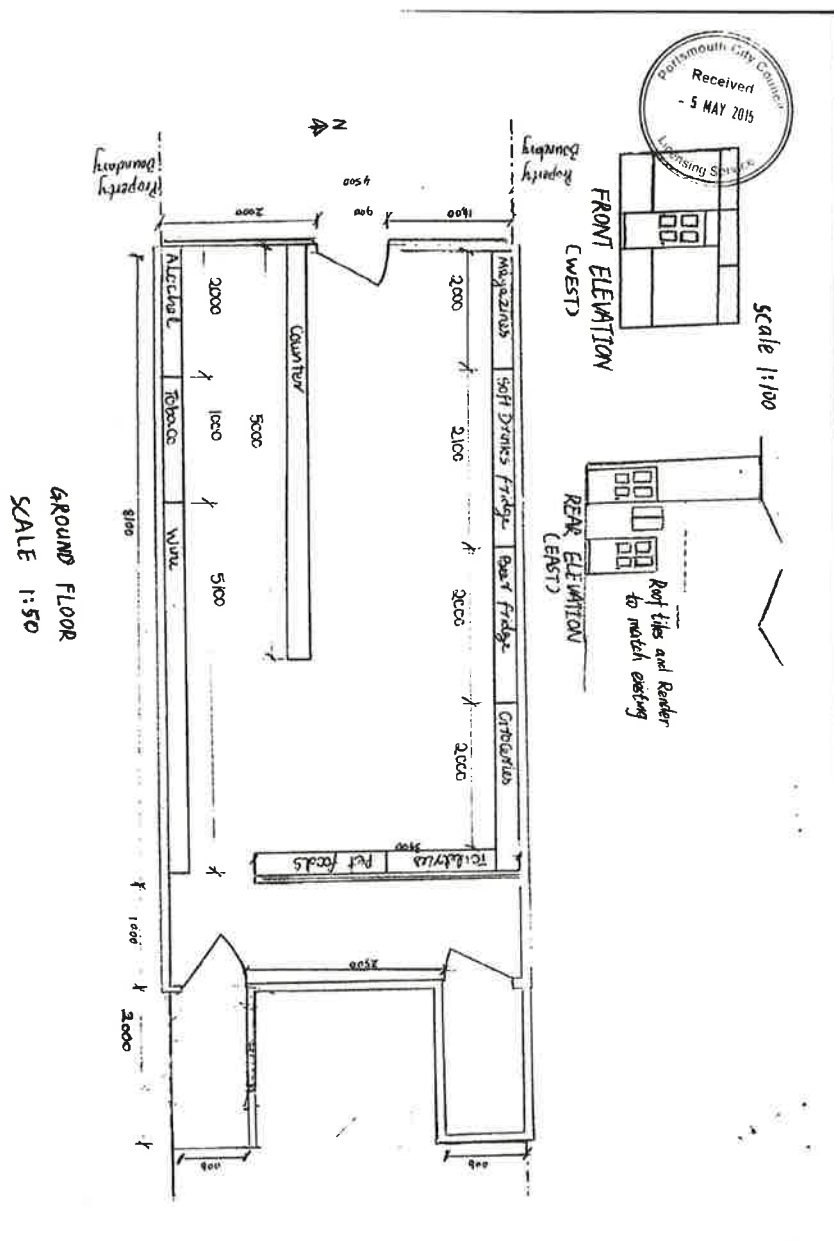
-- END --

Faint, diagonal watermark text reading "Copyright" is visible across the page.

Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



Location Plan: 3 Portsmouth Road Portsmouth

PORTSMOUTH CITY COUNCIL, Licensing Service,
Civic Offices, Guildhall Square, Portsmouth PO1 2AL

Telephone (023 9283 4607/023 9268 8367) Fax 023 9283 4811 Email Licensing@portsmouthcc.gov.uk

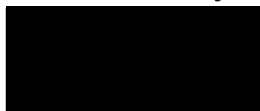


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PRIVATE & CONFIDENTIAL

Mr Jose Antony Santiapillai



Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone:



Our Ref: 15/03238/LAPREM
Date: 23 June 2016

Dear Sir

**LICENSING ACT 2003 - PREMISES LICENCE
OXYGEN 3 PORTSMOUTH ROAD, COSHAM, PORTSMOUTH**

I am writing further to my letter to you dated 20 April 2016 and your subsequent attendance at interview (under caution) on 28 April 2016.

This was further to apparent breaches noted contrary to the Licensing Act 2003 and so far as this relates to the premises licence authorisation previously granted in respect of Oxygen, 3 Portsmouth Road, Cosham. You are noted as both the licence holder and designated premises supervisor for the premises.

The visits on 24 March 2016, 06 April 2016 and 15 April 2016 revealed a number of general breaches to the act (and the conditions of your licence) as follows:

- 1. No premises licence summary displayed
- 2. No premises licence available for inspection
- 3. No evidence of an adopted age verification policy
- 4. No training records evidenced
- 5. No CCTV training evidenced
- 6. No CCTV operator manual available
- 7. No written authorisation to sell alcohol available

Together with evidenced poor fire safety standards which were reported direct to the Chief Fire Officer for his consideration.

Your explanations during interview have been considered and I have also had regard to our enforcement policy guidelines. It is noted that you eventually produced both the licence and summary during interview.

I have concluded that two courses of action should be taken. Firstly, that you should receive a final written warning for the apparent breaches mentioned in (1 - 3) above and secondly, that you will be reported for prosecution for those offences at 4, 5, 6 and 7 above so far as they are considered serious, repetitive and demonstrated a lack of due diligence to avoid the commission of these offences.

Accordingly, our file has now been forwarded to the Head of Legal Services and you should direct any correspondence to them with a copy sent to our office.

I accept that you [REDACTED] were away for a period of time but the evidence shows that you were back in the country on both 06 and 15 April 2016 and could have taken prior steps to comply with the requirements of your premises licence.

Finally, there is the matter of your personal licence granted by the London Borough of Lewisham. By your own admission you have advised us that you live at [REDACTED] Portsmouth whereas the address on your personal licence is currently [REDACTED] London [REDACTED]

If you have not notified Lewisham of your change in circumstances then I strongly recommend that you do so to avoid the commission of any further offence(s).

Yours faithfully

[REDACTED]

Mr Ross C Lee

Email: ross.lee@portsmouthcc.gov.uk

NOTE: All communications in reference to this Summons should be addressed to
Legal Services, Portsmouth City Council, Civic Offices, Guildhall Square,
Portsmouth, PO1 2AL (Telephone No: [REDACTED])

HER MAJESTY'S COURT & TRIBUNAL SERVICE

TO: JOSE ANTONY SANTIAPILLAI

OF: [REDACTED]

THE INFORMATION OF MICHAEL LAWOTHER, City Solicitor to Portsmouth City
Council of Civic Offices, Guildhall Square, Portsmouth states that:

1. On 6th April 2016, you, did knowingly allow a licensable activity to be so carried on at Oxygen, 3 Portsmouth Road, Cosham, otherwise than in accordance with a premises licence, namely you failed to ensure that all operators and staff had received training on the CCTV system and there was no operator manual available contrary to Condition 01, Annex 2 of the premises licence

Contrary to Section 136(1)(b) of the Licensing Act 2003

2. On 15th April 2016, you, did knowingly allow a licensable activity to be so carried on at Oxygen, 3 Portsmouth Road, Cosham, otherwise than in accordance with a premises licence, namely you failed to ensure that all operators and staff had received training on the CCTV system and there was no operator manual available contrary to Condition 01, Annex 2 of the premises licence

Contrary to Section 136(1)(b) of the Licensing Act 2003

3. On 15th April 2016, you, did knowingly allow a licensable activity to be so carried on at Oxygen, 3 Portsmouth Road, Cosham, otherwise than in accordance with a premises licence, namely you failed to provide all members of staff with comprehensive and documented training in the

objectives of the Licensing Act 2003 and the statutory requirements contrary to Condition 02, Annex 2 of the premises licence

Contrary to Section 136(1)(b) of the Licensing Act 2003

4. On 15th April 2016, you, did knowingly allow a licensable activity to be so carried on at Oxygen, 3 Portsmouth Road, Cosham, otherwise than in accordance with a premises licence, namely you failed to ensure that supply of alcohol under the premises licence was made or authorised by a person who holds a personal licence contrary to Condition 02, Annex 1 of the premises licence

Contrary to Section 136(1)(b) of the Licensing Act 2003

.....
City Solicitor

YOU THE DEFENDANT ARE THEREFORE HEREBY SUMMONED to appear on **Tuesday 20th September 2016 at 9.30am**, before the **Magistrates' Court sitting at The Law Courts, Winston Churchill Avenue, Portsmouth, Hampshire, PO1 2DQ**, to answer the said information.

.....
Clerk to the Justices

.....
Date

Stone, Derek

From: Ager, Jenny
Sent: 21 November 2016 11:28
To: Lee, Ross
Subject: Jose Santiapillai - Hearing 21.11.16
Attachments: 382870 - Summons.docx

Hi Ross

Mr Santiapillai attended the adjourned hearing this morning and he amended his pleas to guilty for all 4 charges. The magistrates had sight of his letter, when he had made the decision to change his plea, and that was essentially his mitigation. The magistrates said they had some sympathy for the circumstances in which the offence occurred and imposed the following penalties, taking into account his early(ish) guilty pleas!

- 1) £100 fine
- 2) No separate penalty
- 3) £50 fine
- 4) £150 fine

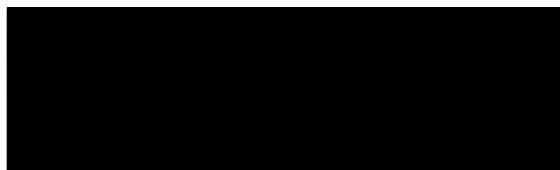
I've attached a copy of the summons to cross reference. They also awarded £100 in costs and there's a £15 victim surcharge payable, a grand total of £415.00. He was given 28 days to pay.

The file will now be closed in Legal Services and retained in MRS for the requisite number of years.

Kind regards

Jenny Ager
Prosecution Lawyer

Legal Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL



Reference: 504942 / 411533

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Service of any papers, notices or proceedings are not accepted by e-mail to this e-mail address.

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Portsmouth City Council Licensing Service
 Portsmouth Civic Offices
 Lower Ground Floor, Core 5
 Guildhall Square
 Portsmouth
 Hampshire
 PO1 2AL

Telephone	Direct Dial
101	
Fax	Text Relay
	18001 101
Email Address	



Our ref:
Your ref:

1 November 2018

Dear Sir/Madam,

Re: Licensing Act 2003 – Application for the review of a premises licence, Oxygen, Portsmouth Road, Cosham

I refer to the recent application by Trading Standards for the review of a premises licence in respect of the premises known as Oxygen, Portsmouth Road, Cosham.

The Chief Officer of Police makes formal representations in relation to the application on the following grounds:

- Protection of Children from Harm.
- Prevention of Crime and Disorder

The review application by trading standards shows two failed test purchases at the premises where children were served alcohol within a 3 month period. This has been despite engagement from responsible authorities to prevent similar incidents. Despite this engagement children were continued to be served alcohol by the Designated Premises Supervisor/Premises Licence Holder, Mr Santiapillai. This has seriously undermined the Protection of Children from harm licensing objective.

The Chief Officer of Police notes the information presented by Trading Standards and will not seek to replicate it in this document. What the Chief Officer of Police would like to present to the committee is further evidence of poor practice and further evidence of Test Purchase failures at the premises when Mr Santiapillai has been responsible for its operation as Designated Premises Supervisor and Premises Licence Holder under the Licensing Act 2003. This evidence also shows similar activity at another store operated by Mr Santipillai a short distance away from the current premises and in the same name. The Chief Officer of Police feels that it is proportionate and reasonable to introduce this information as it shows that the issues faced at the current premises are not a one off. This evidence stretches back to 2014 and again shows that the protection of children from harm



licensing objective has been seriously and continuously undermined over a period of around 4 years.

In 2013 Mr Santiapillai took over as DPS and PLH for Fishers News (a small newsagents selling alcohol) in Havant Road, Cosham. A short time later this was renamed to Oxygen.

In July 2014 a Juvenile Test Purchase Operation was conducted at the premises by the Police. The staff member working at the premises served alcohol to a person under the age of 18 and was subsequently issued a £90 Penalty Notice for an offence under S146 Licensing Act 2003.

Immediately after the sale the following concerns were noted:

- Lone working staff member could not converse in English very well. Concerns were raised that this person would not be confident in refusing sales of alcohol to persons as they lacked the language skills to do so and manage any conflict resulting from this.
- No formal documented training records for the staff member working meaning Mr Santiapillai had failed to provide any due diligence and take the appropriate steps to prevent such sales of alcohol.

An email was sent to Mr Santiapillai requesting a meeting with Police to discuss this matter and what measures were going to be introduced to prevent a repeat. This meeting took place on 18/07/2014 and Mr Santiapillai attended and advised the Police he had introduced the appropriate measures to prevent a repeat. **Annex A provides the email request and notes made of the meeting.**

On 11/09/2014 a further Test Purchase took place at the premises. The premises passed its Test Purchase and refused the sale of alcohol to a child.

In early 2015 Mr Santiapillai took over the current premises in Portsmouth Road, Cosham and applied for a premises licence at the store. Conditions were agreed with the Police to ensure the promotion of the licensing objectives at the premises. **Annex B provides the email trail detailing the agreement of conditions. These conditions included training conditions for staff to prevent the sale of alcohol to children.**

In April 2016 as part of a joint agency visit the premises was attended and a licensing compliance check performed. A number of issues with compliance were identified by PCC Principle Licensing Officer Mr Ross Lee and later followed up on by Mr Lee. **Annex C provides the check list detailing these compliance issues which raised concerns around the level of training given by Mr Santiapillai to his staff.**

Following on from this visit Mr Lee from PCC Licensing formally PACE interviewed Mr Santiapillai. He was later prosecuted and convicted for a total of 4 offences under S136 of the Licensing Act 2003 having plead guilty to these offences in court.

In August 2016 Mr Santiapillai left the premises in Havant Road.

On 19/02/2017 a juvenile Test Purchase was conducted at the premises in Portsmouth Road. A person under the age of 18 was served alcohol by a staff member. They received a £90 PND. Following the sale of alcohol to a child, Mr Santiapillai was able to supply



training records for the staff member and also a refusals log which was up to date for the premises.

Following the sale of alcohol to a child Mr Santiapillai advised that he was retraining his staff member and also sending her to gain a personal licence. **This is also contained in Annex C.**

In July 2018 information was received by a member of the Public regarding their children who had alleged to them that they had purchased alcohol from the premises. This information was passed to Trading Standards for their information from the Police Licensing Department.

This brings us to speed with the information provided by the Trading Standards review document.

The Chief Officer of Police has very serious concerns about the premises ability of the DPS and PLH to operate the premises in a way which promotes the protection of children from harm licensing objective. Over the course of 4 years Mr Santiapillai has demonstrated that despite assistance from the Police, Licensing authority and Trading Standards he still cannot get the basics right. Still children are being served alcohol at his premises. This is despite training provision, despite sending staff members on personal licence courses and despite intervention from all manner of agencies to assist the licence holder. This concerning series of events have culminated in the licence holder himself selling alcohol to a child.

The Chief Officer of Police draws your attention to the guidance issued by the Home Office under 11.29 of its Section 182 in relation to when premises persistently sell alcohol to children which states in relation to the persistent sale of alcohol to children:

“In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.”

The Chief Officer of Police have looked at the options provided by our colleagues in Trading Standards, however is of the belief that the only reasonable option in these circumstances is the revocation of the premises licence.

The removal of the DPS in the opinion of the Chief Officer of Police would be a paper exercise. Mr Santiapillai is both DPS and Premises Licence Holder. To change the DPS would still leave Mr Santiapillai in charge of the business and still allow him to exert his influence. It is not believed that this would be an effective measure in preventing the sale of alcohol to children at the premises.

Suspending the premises licence for a period of three months would indeed allow Mr Santiapillai to put further measures in place to prevent the sale of alcohol to children. However Mr Santiapillai has previously had four years since the first Test Purchase failure to get things right. Mr Santiapillais premises, after all of this time, continues to sell alcohol to children. It is the belief of the Chief Officer of Police that three months will make no difference as the last four years have shown that there continues to be the sale of alcohol to children at the premises.



Having every sale of alcohol made by a personal licence holder will also not prevent the sale of alcohol to children. Mr Santiapillai is a personal licence holder, he is also an experienced manager of a licensed premises. He still sold alcohol to a child without requesting any form of identification as per the conditions of his premises licence. He has demonstrated that there is an inability under his leadership of the premises, members of staff, personal licence holders or not, to not sell alcohol to children at the premises.

The imposition of further conditions around training and alcohol sales would also not satisfy the Chief Officer of Police that the sale of alcohol to children at the premises would stop. The premises already have conditions around training. Sales of alcohol to children have been made persistently in spite of this. Mr Santiapillai has also demonstrated that he cannot adhere to simple licence conditions. He has previously been prosecuted by Portsmouth City Council for offences under the licensing act, in particular S136 of the act. Mr Santiapillai also gives cause for concern with his production of training records which are believed to be “fixed”. The Chief Officer of Police would urge the committee against imposing further conditions for Mr Santiapillai to avoid adhering to them.

In light of the information provided the Chief Officer of Police would respectfully request that there is a revocation of the premises licence. It is the view of the Chief Officer of Police that this is the only realistic measure which can be taken to prevent any further sales of alcohol to children.

Submitted respectfully for your consideration.

Yours Sincerely

PC 21945 Peter Rackham
Force Licensing Team
Portsmouth



Supplementary Occurrence Report

Hampshire Constabulary

Printed: 01/11/2018 11:31 by 21945

Occurrence: **44080221205 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 16/07/2014 11:55

Entered by: #21945 RACKHAM, P.

Entered time: 16/07/2014 11:55

Remarks:

Email sent to DPS [REDACTED] ref meeting 18/07/2014

Report:

Jose

Thankyou for taking the time to speak with me reference the Test Purchase failure. I can confirm that our meeting is on Friday 18th July 2014 at 1200 at the Civic Offices. Meet me in the main reception area.

Prior to the meeting could you please consider what you are going to be doing as the Designated Premises Supervisor to deal with the concerns that I had during my visit on Saturday.

The member of staff lone working at the store could not understand me clearly or converse with myself or my colleague very well. This concerns me a great deal when you have employed this staff member to sell alcohol responsibly. How is he able to inform people about his obligations under the licensing act 2003 in order to refuse people service and how is he meant to be able to clearly inform people he is refusing them service.

You informed me that the member of staff has had no formal written training. Without documenting the training you provide around the licensing act 2003 you cannot prove this training took place. You also cannot prove that this training was understood by your employee. This not only leaves you open to criticism but also does not show that you are enabling your employees to support the licensing objectives.

No Premises Licence Summary was on display. This is a legal requirement.

Childrens toys and consumable products were placed next to alcohol - How can you protect children from harm when you sell childrens products along side age restricted products?

What I would like to take out of the meeting shall be the following:

What measures are you going to put in place to prevent this from happening again?

What measures have you already put in place to deal with the above?

I am going to suggest that you send all of your staff members on a course run by the council with regards to the Licensing Act 2003. This will provide all your staff members training with reference to their responsibilities under the licensing act 2003. The person to contact is robert.anderson-weaver@portsmouthcc.gov.uk.

I look forward to hearing from you

Many Thanks

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Pete

Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department

|Tel: DD: [REDACTED]

(Portsmouth City Council, Community Safety, Civic Centre),

[REDACTED]

[REDACTED]

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Printed by: 21945 Date: 01/11/2018 11:31 Computer: CS266SVR Page 2 of 2

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 01/11/2018 11:31 by 21945

Occurrence: **44080221205 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 18/07/2014 12:16

Entered by: #21945 RACKHAM, P.

Entered time: 18/07/2014 12:16

Remarks:

DPS attended Civic offices measures now in place to prevent repeat

Report:

DPS attended the meeting

Apologised for the issues with TP Failure and stated that he was very unhappy that he had failed the TP and understood the seriousness of the matter.

I went through the points that concerned me which were:

- Sales assistant could not understand or converse very well in english
- Sale to child
- Soft drinks aimed at children mixed with alcohol
- no summary up
- no training documented for staff

The DPS stated that the sales assistant had attended as a favour to cover the store and worked for a friend in London. He is rarely at the store. His other two staff members were not at work at the time. He stated that he had put in place the following:

- Staff training via Birmingham City Council Licensing website which provided tests and scenarios to check understanding.
- Verbal Training with regards to the licensing act 2003/licensing objectives and what they can and cant do
- Staff signing a document to state they understand the law around the sale of alcohol - I was shown these
- Staff to be sent on council run training courses in September
- Alcohol and soft drinks separated - Photos shown
- Summary Up - Photo shown

The DPS stated that he is doing everything he can. I advised him that anyone covering should go through the same process. I also advised that regarding sale of alcohol he needed people who were strong minded and could converse in english. I stated that persons unable to converse with customers would struggle to feel that they could refuse sales as they did not have the language skills to do so and would be more likely to just sell

The DPS agreed and stated he would be more careful who he sold to in future

21945

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Printed by: 21945 Date: 01/11/2018 11:31 Computer: CS266SVR Page 1 of 1

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 01/11/2018 11:32 by 21945

Occurrence: **44150153519 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 07/05/2015 15:19

Entered by: #21945 RACKHAM, P.

Entered time: 07/05/2015 15:19

Remarks:

Email trail agreeing conditions - Confirmation sent to PCC

Report:

Dear Sir

Thank you for your confirmation. I looked at your proposed conditions and I agree. I would like to do business in a safe environmental society which you trying to provide. so I am happy to proceed.

Thank you very much

Kindly regards

Jose Antony Santiapillai

From: peter [REDACTED]
To: oxygen [REDACTED]
CC: Tracey Greaves [REDACTED] Robert.Anderson-Weaver [REDACTED]
Date: Wed, 6 May 2015 08:25:44 +0100
Subject: Proposed Conditions 3 Portsmouth Road - Police Licensing

Dear Jose

I can confirm that Police have received the application for a Premises Licence at 3 Portsmouth Road, Cosham, Portsmouth.

I provide a set of proposed conditions that Police would like to see placed upon the premises licence should it be granted. Please can you look at the proposed conditions and let me know if you would be happy to have any of these placed upon the premises licence should it be granted.

I can then progress the application from the Police perspective.

Any issues then please do not hesitate to contact me.

Kind Regards

Pete

PC 21945 Pete Rackham
Violent Crime Reduction and Licensing Team
Portsmouth Civic Offices

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Printed by: 21945 Date: 01/11/2018 11:32 Computer: CS266SVR Page 1 of 2

Police Annex B

Proposed Conditions 3 Portsmouth Road

1 A recording CCTV system will be installed and fully operational at all times.
The recording equipment will be stored and operated in an environment where the public have no access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.
The system will be maintained and serviced within at least 12 monthly intervals
The system clock will be checked regularly for accuracy taking account of GMT and BST.
The CCTV system will have sufficient storage capacity for 31 days evidential quality pictures.
An additional recording CCTV camera shall be sited at the front of the store to cover the area immediately outside the venue.

Access

Police and authorised Officers of Portsmouth City Council shall have access to data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police. and to produce images to the police within six hours of a verbal request being made by Police Officers or PCSOS for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.

An operator's manual will be available to assist in replaying and exporting data (particularly important with digital systems).

The CCTV must remain satisfactory to the police licensing department responsible for the area and subject to police approval in order to remain operating under this premises licence

2 The licence holder shall ensure that all members of staff are informed of the objectives of the Licensing Act 2003 and the statutory requirements in order to ensure compliance with all relevant provisions of the Act.

3 All staff must receive comprehensive training in relation to age restricted products and the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training. Training shall cover:

- Sale of alcohol to persons under 18
- Challenge 25 and acceptable forms of Identification
- Signs of Drunkenness
- Refusal register and when/how to use
- The Licensing Objectives

This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individuals training records upon request.

4 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be a Valid Passport with hologram; Valid Military ID bearing date of birth, Valid UK Photo card Driving Licence or PASS approved ID.

5 No beers, ciders or lager over 6.5% shall be sold by retail excluding premium products as agreed, in advance in writing by the Police Licensing Unit.

6 A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local authority.

7 Spirits shall be kept behind the serving counter and not be made available by self selection.

8 There shall be no free standing stacks of alcohol on display

Police Annex C

Off Licence- Check List

Store Name/Address - Oxygen, 3 Parnmouth Road
Contact Phone Number - [REDACTED]

Time and Date of Inspection - 6/4/16 @ 1202

Please circle answer after the question below:

Page ① and ②
 of premises licence on display

1 - Is there a copy of the Premises Licence Summary on display?	YES <input checked="" type="radio"/> NO
2 - Is the DPS present?	YES <input checked="" type="radio"/> NO
3 - Are staff training records available?	YES <input checked="" type="radio"/> NO
4 - Is there a refusal log in operation? PCC Issue	<input checked="" type="radio"/> YES NO
5 - Is there an authorisation from the DPS to sell alcohol on site?	YES <input checked="" type="radio"/> NO
6 - Is there a Personal Licence Holder on site? Mrs V [REDACTED]	<input checked="" type="radio"/> YES NO
7 - Can the Personal Licence Holder provide their Licence?	<input checked="" type="radio"/> YES NO
8 - Does the premises have an Age Verification Policy? XX	<input checked="" type="radio"/> YES NO
9 - Does the premises have any Proxy Watch signage in place?	<input checked="" type="radio"/> YES NO
10 - Is there an A3 notice relating to Tobacco products and the law?	<input checked="" type="radio"/> YES NO
11 - Are there any beers/lagers/ciders over 6.5% ABV?	YES <input checked="" type="radio"/> NO
12 - Are there alcohol products on the counter?	YES <input checked="" type="radio"/> NO
13 - Does the premises have any Challenge posters on display?	<input checked="" type="radio"/> YES NO

Can the venue produce the Full Premises Licence?	YES <input checked="" type="radio"/> NO
Is the venue compliant with the Premises Licence conditions?	YES <input checked="" type="radio"/> NO
Please use the rest of the page to detail which premises licence conditions are not being complied with and to answer question 11. Please also provide Name, Date of Birth and address/contact details for staff members present at each small independent store.	

XX Partial completeness - Posters on display "challenge 25" but staff authorisations do not specify acceptable forms of ID - all blank.

XXX only pages 3, 5 and 6 in folder with pages ① and ②
 Still displayed on upper wall

Mrs V [REDACTED] has received no training on CCTV system and unable to operate same. POV

Mrs V [REDACTED] also works at the [REDACTED] at Parc Gate.
 NOT AWARE OF LICENSING OBJECTIVES

PETER - POOL recommend PACE interview please see Ross

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 01/11/2018 11:34 by 21945

Occurrence: **44150153519 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 23/02/2017 08:31

Entered by: #21945 RACKHAM, P.

Entered time: 23/02/2017 08:31

Remarks:

Reply from DPS detailing what measures they will take to prevent repeat

Report:

-----Original Message-----

From: jose santiapillai [REDACTED]

Sent: 23 February 2017 08:30

To: Rackham, Peter

Subject: RE: Test Purchase Failure - Portsmouth Road Store - Police Licensing

Dear SIR

Thanks for letting me know that. I also heard from my staff. I will do the training again and make sure that all the staff strictly follow the licensing act. I am already send one more staff for licening course and she is applied for personal license. So please accept my appology this time. I will make sure this won't happen again.

Because of my family issues Im away. once I will be there I will contact you.

Thank you

Kindly regrds

Jose Santiapillai

From: peter. [REDACTED]

Sent: 22 February 2017 15:19

To: oxygen [REDACTED]

Subject: Test Purchase Failure - Portsmouth Road Store - Police Licensing

Dear Jose

I hope you are well?

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Printed by: 21945 Date: 01/11/2018 11:34 Computer: CS266SVR Page 1 of 3

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On 19th February 2017 a Test Purchase operation was performed in the Cosham Area. Unfortunatley a 16 year old was served alcohol at your premises at 3 Portsmouth Road. As a result the seller was issued with a Fixed Penalty Notice of £90.

What was positive is that it was clear that you appeared to be compliant with your premises licence conditions and also I could see that you had trained your staff member and authorised him to sell alcohol. Another positive was that the refusal log was up to date.

Despite this however I need to be made aware what measures you shall be taking to prevent a further sale of alcohol to children at the premises. You need to be aware that the premises will be re tested within a three month period and that should further sales to children be made then the Police will be forced to consider the need for a closure notice or instigation of the review process or both.

Please can you advise me what measures you will be taking to prevent this.

Should you have any issues regarding the above then please do not hesitate to contact me via the below means and I shall be happy to assist you where I am able to do so.

Kind Regards

Pete

PC 21945 Pete Rackham

Licensing and Alcohol Harm Reduction Team Portsmouth CivicOffices Peter.rackham@hampshire.pnn.police.uk

Licensing Home

Page<<http://intranet/Intranet/Commands/Prevention+and+Neighbourhoods/Strategic+Partnerships/Licensing/>>

<http://www.hampshire.police.uk/internet/advice-and-information/licensing/>

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